

1 THE UNITED STATES OF AMERICA  
2 BEFORE THE NATIONAL LABOR RELATIONS BOARD  
3 REGION 9  
4

5 CASE NO. 9-CA-087203 (VOLUME 1)

6 9-RC-085968  
7

8 In the Matter of:

9 GARDA CL GREAT LAKES, INCORPORATED,

10 Employer,

11 and

12 UNITED FEDERATION OF SPECIAL POLICE AND SECURITY

13 OFFICERS, INCORPORATED,

14 Petitioner.  
15  
16  
17  
18  
19  
20

21 The above-entitled matter came on for hearing  
22 pursuant to notice before ARTHUR AMCHAN,  
23 Administrative Law Judge at the Federal Building,  
24 200 North High Street, Room 206, Columbus, Ohio, on  
25 Monday, January 28, 2013, at 2:00 p.m.

## 1 A P P E A R A N C E S

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23

24 Also Present:

25 Ms. Christine Bouquin

## I N D E X

VOIR

1					
2					
3	WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS DIRE
4	JEFFERY FISHER	8	31	41	
5					
6	JASON DURBIN	43	57	64	
7		63	58		
8		65			
9					
10	SCOTT HALL	67	83		
11			87		
12					
13	GRANT ROGERS	88	101	195	
14					
15	MICHAEL HAMRICK	107	114		
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## 1 E X H I B I T S

2 GENERAL COUNSEL'S

3 EXHIBIT NO. IDENTIFIED IN EVIDENCE

4 1A-1M 6 6

5 2-6 115 117

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1 P R O C E E D I N G S

2 January 29, 2013 2:00 p.m.

3 JUDGE AMCHAN: On the record. I'm  
4 Arthur Amchan. I'm an Administrative Law Judge with  
5 the National Labor Relations Board, and I'm here to  
6 conduct an evidentiary hearing in the Matter of Garda  
7 CL Great Lakes, Incorporated, and United Federation of  
8 Special Police and Security Officers, Incorporated,  
9 Cases 9-CA-087203, and 9-RC-085968.

10 And why don't we start by having the  
11 parties enter formal appearances. Do the General  
12 Counsel, Respondent, and Charging Party, and then  
13 we'll proceed.

14 MR. TANSINO: Joseph F. Tansino,  
15 Counsel for Acting General Counsel.

16 MR. HULT: Eric Hult, counsel for  
17 Garda.

18 JUDGE AMCHAN: Do you represent the  
19 Union, or --

20 MR. DEML: Yes, sir. John Deml.

21 JUDGE AMCHAN: Can -- can you spell  
22 your last name?

23 MR. DEML: (D-E-M-L).

24 JUDGE AMCHAN: One "m"?

25 MR. DEML: Yes. Four letters.

1 JUDGE AMCHAN: Okay. All right. Do  
2 we have any things we need to talk about before I  
3 start hearing witnesses?

4 (Whereupon, General Counsel's Exhibit Numbers  
5 1A through 1M were marked for identification.)

6 MR. TANSINO: I'll -- I'd like to  
7 offer into evidence the formal papers in this case.  
8 They've been marked General Counsel's Exhibit 1A  
9 through M, inclusively.

10 Exhibit 1M is an index and description of  
11 the entire exhibits. The exhibits have been shown to  
12 the parties.

13 And -- and I'll provide a copy of the index  
14 and description to each of the parties, as well.

15 JUDGE AMCHAN: Do you have any  
16 objection to my receipt?

17 MR. HULT: I do not.

18 JUDGE AMCHAN: Okay. I'm receiving  
19 the formal papers.

20 (Whereupon, General Counsel's Exhibit Numbers  
21 1A through 1 M were received into evidence.)

22 MR. TANSINO: And I move to sequester  
23 witnesses.

24 JUDGE AMCHAN: Okay. Basically, I  
25 have to grant the motion, but there's quite an

1 explanation.

2           Sequestration basically means, with some  
3 exceptions, sometimes many, witnesses will not be in  
4 the room when other witnesses are testifying.

5           The idea behind sequestration is that when  
6 you're on the stand, I only hear what you know, what  
7 you remember, unaided by the testimony of other  
8 witnesses.

9           So if you're sequestered, it's not only  
10 important that you be out of the room, but that you  
11 not tell other witnesses what you testified to after  
12 you've testified, or tell witnesses what you're --  
13 other witnesses what you're going to testify to before  
14 you testify.

15           Now, there are exceptions to the  
16 sequestration rule. One of them is every party is  
17 entitled to a representative.

18           So are there people in the room who are  
19 exempt from the sequestration rule?

20           MR. HULT: Our representative,  
21 Christine Boatman will also be testifying eventually.  
22 She's on the computer back there, but that's all.

23           JUDGE AMCHAN: Okay.

24           MR. TANSINO: And none for me, Your  
25 Honor.

1 JUDGE AMCHAN: So everybody's going  
2 to be out of the room, except for the witness  
3 testifying.

4 MR. TANSINO: Yes, that's correct.

5 JUDGE AMCHAN: Okay.

6 MR. TANSINO: And, I -- I -- I have  
7 checked. I'm unfamiliar with this building, but I'm  
8 told there's a cafeteria on the third floor where  
9 witnesses can -- can wait. I -- I intend to call  
10 Jeffery Fisher as my first witness.

11 JUDGE AMCHAN: Oh, okay. So  
12 everybody else should see if this room or the  
13 cafeteria exists. Off the record.

14 (Off the record.)

15 JUDGE AMCHAN: Back on the record.

16 Mr. Fisher, if you'd raise your right hand.

17 WHEREUPON,

18 JEFFERY FISHER,

19 A witness herein, having been first duly cautioned and  
20 sworn, was examined and testified as follows:

21 MR. TANSINO: Thank you.

22 DIRECT EXAMINATION

23 BY MR. TANSINO:

24 Q. Mr. Fisher, where are you currently  
25 employed?

1           A.       Garda Cash Logistics, the Columbus, Ohio  
2 branch.

3           Q.       And how long have you been there?

4           A.       I believe since June 6th of 2010.

5           Q.       And what position do you hold?

6           A.       I currently am a crew leader, slash,  
7 messenger driver.

8           Q.       And what -- what does that job entail?

9           A.       That job entails, for the crew leader, I'm  
10 responsible for myself and the other person on the  
11 truck with me, along with the contents of the vehicle,  
12 making sure that he follows the Company's procedures,  
13 all traffic laws.

14          Q.       And what -- what are your hours?

15          A.       My -- my typical day starts at seven  
16 fifteen, and it could run until, say, six, seven  
17 o'clock at night. Sometimes I get done earlier. It  
18 depends upon how smooth the day runs.

19          Q.       What factors into how long or short the day  
20 is?

21          A.       How many stops I have. If there's any  
22 special orders, such as a bank that's normally not on  
23 that daily route, you know, needs money, deliver that  
24 to them.

25                   My -- the vehicle, the truck could be --

1 could break down, I could be sitting there for a tow  
2 truck and another vehicle, or another truck to  
3 exchange the content of -- from the vehicle into  
4 another one.

5 JUDGE AMCHAN: So do you, like, drive  
6 around in an armored car?

7 THE WITNESS: Yes.

8 JUDGE AMCHAN: Like --

9 THE WITNESS: Armored -- armored  
10 vehicle, yes.

11 JUDGE AMCHAN: So picking up bank  
12 deposits.

13 THE WITNESS: Correct.

14 JUDGE AMCHAN: Okay.

15 DIRECT EXAMINATION (CONT'D)

16 BY MR. TANSINO:

17 Q. And are -- are you assigned a particular  
18 truck, or do you --

19 A. I am assigned to a particular truck for  
20 that route.

21 Q. Okay. And how -- how long have you been  
22 assigned to your current vehicle?

23 A. I believe I took that route over sometime  
24 in March or April of last year, 2012.

25 Q. All right, Mr. Fisher, I'd like to shift

1 gears and I'd like to ask you, are -- are you familiar  
2 with the union activity at your facility this past  
3 summer?

4 A. Yes, I believe there was a Petition signed  
5 for a union to be voted into our branch.

6 Q. When did you first become aware of that  
7 Petition?

8 A. I believe the second week of July.

9 Q. Prior to becoming aware of the Union, could  
10 you describe for me the condition of your vehicle?

11 A. The condition of my vehicle, air  
12 conditioning worked every now and then. Fluid levels  
13 were fine. Every now and then you had to add fluid  
14 levels, such as antifreeze, power steering fluid, oil.  
15 I believe I had tires had to be replaced on  
16 that truck because of the tire tread was low. Had one  
17 operating fan inside that truck. Very little  
18 ventilation.

19 Q. And when you had issues such as you've just  
20 described with your truck, how would you report those  
21 issues to Garda?

22 A. The -- following procedure, we had a, what  
23 you would call a driver's daily log inside the truck.  
24 It had three pieces of paper.

25 One piece of paper was white, the second

1 was yellow, then the other one -- the third one was  
2 pink. You'd write on -- you'd write -- they would --  
3 they would have a check-off list of were fluids okay,  
4 tires, windshield wipers, just, you know, daily stuff  
5 that would -- you would check, you know, for PM in the  
6 truck, preventative maintenance before you go out that  
7 day. You would have a check-off list, is this okay,  
8 is this okay, brakes, you know.

9 And then they had a comment section, you'd  
10 write down truck stalls, you know, whatever --  
11 whatever was wrong with that truck.

12 At the end of the day when you got back to  
13 the branch, you'd give them the top two copies of the  
14 vault, you'd give the top two copies to them when  
15 you're checking in, or you'd verbally tell the -- the  
16 supervisor.

17 Q. After reporting problems either with the  
18 driver inspection log, or when you told them verbally,  
19 how long does it typically take to --

20 A. A lot of factors came into that. You know,  
21 something like brakes, it could get taken care of  
22 right away, or -- or it might not.

23 Air conditioning was kind of like put on  
24 the back burner. You know, fluid leaks, somewhat put  
25 on the back burner.



1           You know, it's just whenever they could get  
2 a mechanic in there to take care of the problems.

3           Q.       As far as air conditioning, did it get hot  
4 in the truck?

5           A.       On a July day, you know, however hot it was  
6 outside, you could probably add another ten degrees  
7 inside that truck, especially with the, you know, what  
8 you were wearing. You -- you're provided a vest to  
9 wear. You know, that's an extra ten pounds, you know.  
10           You'd have to have an undershirt on, you  
11 know, underneath that vest, and then you'd have your  
12 Company shirt on top of that.

13          Q.       Could you roll down the windows?

14          A.       The windows are stationary. It's an  
15 armored vehicle. It'd be a safety hazard to be able  
16 to roll down windows.

17          Q.       Prior to the time of the Petition, how  
18 often was your facility cleaned?

19          A.       Never had a cleaning crew in there. It was  
20 every -- every week of the month, or weeks were  
21 assigned to people to take out the trash.

22                I mean, there was really no mop, mopping  
23 done, no -- any kind of disinfectant work done.

24                   JUDGE AMCHAN: When you're talking  
25 about the facility, what are you -- what are you

1 talking about?

2 THE WITNESS: The garage where the  
3 trucks were -- were inside.

4 JUDGE AMCHAN: And where is that?

5 THE WITNESS: Where is that? The  
6 actual facility, it's based in Whitehall.

7 JUDGE AMCHAN: Well, Whitehall is?  
8 I'm not from Columbus.

9 THE WITNESS: Whitehall, it's -- it's  
10 a suburb of Columbus.

11 DIRECT EXAMINATION (CONT'D)

12 BY MR. TANSINO:

13 Q. And maybe it would help if you could just  
14 describe the layout of the branch.

15 A. Okay, layout of the branch, okay. Well,  
16 you have your outside parking lot. You pull up, you  
17 walk into a door, there's a checkpoint and you have to  
18 hit a buzzer.

19 You have to state your name. And then  
20 you'd have to give the -- the daily password that  
21 you're given the -- the day prior, okay, they'd let  
22 you in.

23 You go -- you'd be stuck in what they call  
24 a man trap, okay? The front door behind you, then  
25 there's another door.

1           You wait for them to hit the release button  
2 to where you can open that -- that door. You walk  
3 down a hallway, okay? You have your time clock, you  
4 press in your employee code.

5           You stick your finger on the time -- or the  
6 clock-in. It reads off your name and your serial  
7 number, then you walk through the third door.

8           As soon as you walk through the third door,  
9 there's all the trucks inside the garage. Okay? You  
10 look to your left, there's the restroom facilities.

11           Past the restroom facilities behind a wall  
12 and a big piece of glass, there's a supervisor's  
13 office.

14           After that, there's three check-in bays to  
15 where you stand in line and you wait for them to bring  
16 out whatever items you have to deliver that day. That  
17 gives you an idea.

18       Q.     So when you're not out on a route --

19       A.     Route, yeah.

20       Q.     -- what -- what area do you spend most of  
21 your time?

22       A.     Inside the garage.

23       Q.     And can you describe the cleanliness of the  
24 inside of the garage?

25       A.     Dirt on the floor. There was dirt on the

1 cinder blocks, which the walls inside the garage.

2 Q. What about the restrooms?

3 A. Restrooms, they were filthy.

4 Q. Prior -- prior to the filing of the  
5 Petition, how -- how did you -- how did employees stay  
6 hydrated?

7 A. Either bring your own water in. There  
8 would be -- the hallway that I spoke of earlier where  
9 you clocked in, there was a refrigerator there.

10 There were -- it was filled with pop and  
11 water that you would have to pay for yourself. They  
12 had the little like coin box.

13 You drop in dollar bills, or quarters, or  
14 whatever. And then take -- take whatever you paid  
15 for.

16 Q. And how did -- did -- did you use that --  
17 that service?

18 A. Every now and then. I mostly -- I'd buy a  
19 big one quarter container and I'd stick it in my Igloo  
20 cooler along with my own ice packs and my lunch.

21 Q. Okay. Now, following the filing of the  
22 Petitions, based on your testimony, you're talking  
23 about the latter half of --

24 A. Uh-huh.

25 Q. -- July, beginning of August, what happened

1 with truck repairs?

2 A. Prior to then? It just --

3 Q. I'm sorry, following the -- the Petitions.

4 A. Following -- as soon as that Petition, I  
5 believe, was turned in, they -- they did have some  
6 individuals that I've never seen before, the higher up  
7 management, they showed up.

8 And then I believe around about that same  
9 time there was mechanics from another branch, I  
10 believe Louisville, Kentucky, or Minnesota that were  
11 there working on trucks. They installed fans on the  
12 dashboard inside the armored trucks.

13 And then Scott Jacks, the former branch  
14 manager, was talking about portable air conditioners  
15 being installed in the truck.

16 Q. When did he talk about that?

17 A. Right about the same time that he purchased  
18 a refrigerator to be put inside the -- the garage.

19 Q. When -- when was that?

20 A. When was that? I believe the last week of  
21 July, maybe the first week of August.

22 Q. And -- and who was Scott Jacks?

23 A. Scott Jacks was a former branch manager for  
24 the Columbus Branch.

25 JUDGE AMCHAN: When you say "former"

1 --

2 THE WITNESS: He's no longer with the  
3 Company, sir.

4 JUDGE AMCHAN: But -- but he worked  
5 -- was he the branch manager in --

6 THE WITNESS: At that --

7 JUDGE AMCHAN: -- July of --

8 THE WITNESS: Correct.

9 JUDGE AMCHAN: -- August of 2012?

10 THE WITNESS: Yeah, I can't remember  
11 when he was -- I think it was towards the end of  
12 August he was terminated.

13 JUDGE AMCHAN: Uh-huh. But when --  
14 when he -- you -- you say he talked about --

15 THE WITNESS: When he talked about  
16 the --

17 JUDGE AMCHAN: -- putting in a  
18 refrigerator, he was still the branch manager.

19 THE WITNESS: Correct.

20 JUDGE AMCHAN: Just -- just I noticed  
21 in the report -- report on objections, it says that  
22 the Petition was filed July 25th. Is that correct?

23 I mean, we don't have any dispute about  
24 that?

25 MR. HULT: No.

1 MR. TANSINO: No.

2 JUDGE AMCHAN: Okay.

3 DIRECT EXAMINATION (CONT'D)

4 BY MR. TANSINO:

5 Q. Did Jacks ever provide portable air  
6 conditioners?

7 A. No.

8 Q. Who replaced Jacks?

9 A. Terry Hupp.

10 Q. And did he provide --

11 A. No, sir.

12 Q. -- portable --

13 A. No, sir.

14 Q. Okay.

15 A. I don't know what -- what became of that.

16 JUDGE AMCHAN: Is his last name

17 Jackson or Jacks?

18 THE WITNESS: Jacks.

19 JUDGE AMCHAN: (J-A-C-K-S).

20 THE WITNESS: Yeah, as in the game  
21 jacks.

22 JUDGE AMCHAN: Right. Or -- I think  
23 the game is (J-A-X).

24 MR. HULT: (J-A-X), yes.

25 THE WITNESS: Well, it may -- I don't

1 -- I've -- I've seen one box.

2 MR. HULT: As in the name, plus "S."

3 DIRECT EXAMINATION (CONT'D)

4 BY MR. TANSINO:

5 Q. And I think you said some mechanics came up  
6 from a different branch?

7 A. Correct.

8 Q. Could you explain that for me? Are there  
9 mechanics at the Columbus Branch?

10 A. No, they usually have outside vendors come  
11 and work on the trucks. They -- it's not like a  
12 typical garage, you know, mechanics garage.

13 You know, they work on heavy equipment, or  
14 heavy -- heavy trucks. I mean, they -- they have like  
15 a big box truck with an air compressor in it and maybe  
16 a toolbox and -- and fluids. And then they -- they  
17 would show up to the branch.

18 Or if it was bad enough damage to the  
19 truck, such as heavy engine work, they'd have it towed  
20 out to wherever -- whatever vendor that they had in  
21 contract to work on the vehicles.

22 JUDGE AMCHAN: So there weren't any  
23 mechanics who worked in the garage?

24 THE WITNESS: No.

25 Q. And the -- the mechanics who arrived



1 following the filing of the Petition, where -- where  
2 did you say they were from?

3 A. I believe it was either Louisville,  
4 Kentucky, or Minnesota.

5 Q. From a different branch.

6 A. Correct.

7 JUDGE AMCHAN: But -- but you think  
8 these mechanics that showed up after the Petition,  
9 that they worked for --

10 THE WITNESS: Yeah, because they had  
11 Garda shirts on.

12 JUDGE AMCHAN: Okay. Whereas, prior  
13 to that time the --

14 THE WITNESS: And it would be like  
15 another vendor.

16 JUDGE AMCHAN: Right. They were not  
17 Garda employees.

18 THE WITNESS: Correct.

19 JUDGE AMCHAN: Okay.

20 DIRECT EXAMINATION (CONT'D)

21 BY MR. TANSINO:

22 Q. After the filing of the Petition, was the  
23 facility cleaned?

24 A. I believe it was cleaned one or two days  
25 prior to Vince, I can't pronounce his last name. He

1 was the -- I believe he's the Northeast -- or North --  
2 Vice President of North Operations before he showed  
3 up.

4 Q. Is the last name Modarelli?

5 A. Modarelli, that's -- yeah.

6 JUDGE AMCHAN: Two days before he --  
7 he showed up?

8 THE WITNESS: A day or two before he  
9 showed up.

10 JUDGE AMCHAN: And do you recall when  
11 he -- when he came? He -- well, he came to the  
12 facility. He doesn't normally work there?

13 THE WITNESS: Correct. He's --

14 JUDGE AMCHAN: One day he --

15 THE WITNESS: -- he's the New Jersey  
16 Branch. I think that's where his office is based out  
17 of. And he showed up, I believe, a week before the --  
18 the voting for the Union.

19 DIRECT EXAMINATION (CONT'D)

20 BY MR. TANSINO:

21 Q. Do you know who performed the cleaning?

22 A. I remember them having green smocks on,  
23 that's all I remember. I mean, when you go in there,  
24 it's -- you just want to get your stuff, get your  
25 truck loaded up and get out the door.

1 I mean, I really didn't pay much attention  
2 to what company was in there.

3 JUDGE AMCHAN: But they weren't Garda  
4 people.

5 THE WITNESS: No, they were not Garda  
6 employees.

7 JUDGE AMCHAN: Had you ever seen them  
8 before?

9 THE WITNESS: No.

10 JUDGE AMCHAN: Had you ever seen any  
11 cleaning crew in there before?

12 THE WITNESS: No.

13 DIRECT EXAMINATION (CONT'D)

14 BY MR. TANSINO:

15 Q. And can you describe the job they did?

16 A. It smelled a lot better. That's -- that's  
17 all I can say.

18 Q. Did they clean the restrooms?

19 A. They cleaned the restrooms, yes.

20 Q. And the garage?

21 A. Yes. They -- I -- they power washed, or  
22 maybe they scrubbed the walls and the floors.

23 Q. And since that time, have -- have -- have  
24 there been any additional cleaning?

25 A. There was one day to where I was not out on

1 route. I was -- I was just opening, which you come  
2 in. As soon as they open the branch up, you give  
3 people their -- their cards where they have the  
4 currency that they're delivering.

5 And I stuck around, I believe, maybe an  
6 hour or two afterwards, and I saw a cleaning person  
7 come in, a third party come in and clean.

8 Q. Do you recall when that was?

9 A. Maybe two months ago. Usually when they  
10 show up is when everybody's gone, you know, out on  
11 route.

12 Q. When you say -- when -- usually when they  
13 show up?

14 A. Yeah. From what I hear. Someone else  
15 said, hey, the cleaning crew was here today.

16 Q. But do you -- you stated that there hadn't  
17 been an outside cleaning crew --

18 A. No, there hasn't -- not until after Vince  
19 was there, did they -- did the cleaning crew start  
20 arriving and cleaning.

21 JUDGE AMCHAN: Well, one thing I'm  
22 unclear about is, since the first time that you saw  
23 the cleaning crew --

24 THE WITNESS: Correct. Then they  
25 started showing up on a regular basis to clean.

1 JUDGE AMCHAN: Well, you've only --  
2 am I right, you've only seen them once?

3 THE WITNESS: I've only seen them  
4 once, but I've heard about them being there from other  
5 co-workers.

6 JUDGE AMCHAN: Uh-huh. And have you  
7 seen any evidence that they've been there?

8 THE WITNESS: Restrooms were clean.  
9 Trash has been taken out. That's -- you know, the  
10 list of people assigned for trash duty that week  
11 hasn't been up, so someone has to be doing it.

12 And I don't -- I -- I don't believe any of  
13 my co-workers would ever clean those restrooms.

14 DIRECT EXAMINATION (CONT'D)

15 BY MR. TANSINO:

16 Q. You mentioned a refrigerator.

17 A. Yes.

18 Q. Scott Jacks bought a refrigerator?

19 A. Yeah, he purchased a refrigerator. The  
20 refrigerator that was out in the hallway was brought  
21 into the garage. And then another refrigerator that  
22 he -- I believe he purchased.

23 I saw him pull in with the Company's Ford  
24 Ranger with a refrigerator on the back, along with  
25 some new trash cans, some new mops and brooms, in the

1 back of that truck. They unloaded the refrigerator  
2 and he stocked it full of water.

3 Q. Was there -- was it a pay what you can  
4 system?

5 A. No, there was, I believe -- I heard from  
6 another co-worker that Scott -- Scott Jacks says he  
7 has water for us.

8 Q. Previously, the -- the refrigerator was in  
9 a different part of the branch; right?

10 A. Correct.

11 Q. And -- and you stated that -- that there  
12 was a way to pay?

13 A. Correct. There was like a little money box  
14 --

15 Q. Okay.

16 A. -- a slit that you'd have to drop a dollar  
17 bill, or --

18 Q. After the refrigerators were placed in the  
19 garage --

20 A. Correct.

21 Q. -- did you observe any -- any similar money  
22 box?

23 A. No, I did not see --

24 JUDGE AMCHAN: Well, you talked at  
25 the same time. Question and answer separately.

1 THE WITNESS: Okay.

2 Q. Did you observe in either refrigerator a  
3 place to deposit money for the -- the water?

4 A. No, I did not.

5 Q. Did you take any of the water?

6 A. I've took one or two bottles, yes.

7 Q. You mentioned some higher officials, higher  
8 up officials came to the branch?

9 A. Yes.

10 Q. Do you know --

11 A. I remember one -- one gentleman, his name  
12 is Webster. He was asking me about the conditions of  
13 the truck, you know, how the truck was riding, the AC  
14 was working.

15 He asked me if I had plenty of water which,  
16 you know, I told him I -- I brought my own from home.  
17 I opened up my cooler and I showed him.

18 He asked me if I had a -- a vest, a bullet-  
19 resistant vest. I told him, yes, I'm wearing it.

20 Q. Do you recall when -- when that  
21 conversation took place?

22 A. Maybe the beginning of July. It was after  
23 the Petition was handed in for the Union.

24 JUDGE AMCHAN: That wouldn't have  
25 been the beginning of July.

1 THE WITNESS: Yeah.

2 JUDGE AMCHAN: The Petition was  
3 filed, what'd we say, July 25th?

4 MR. TANSINO: 25th.

5 THE WITNESS: July 25th. It was six,  
6 seven months ago.

7 JUDGE AMCHAN: Well, do you know for  
8 sure that it was before July 25th, or do you not know  
9 when he showed up? If you don't know, you just say  
10 you don't --

11 THE WITNESS: I'm not -- I'm not sure  
12 on the times.

13 JUDGE AMCHAN: Uh-huh.

14 THE WITNESS: Of that time when he  
15 was there. I saw him several different times at that  
16 branch.

17 JUDGE AMCHAN: Over what period of  
18 time?

19 THE WITNESS: The month of July.

20 JUDGE AMCHAN: Uh-huh.

21 THE WITNESS: Is when I saw him.

22 DIRECT EXAMINATION (CONT'D)

23 BY MR. TANSINO:

24 Q. Can you say with certainty that it was in  
25 the month of July?



1 A. Yes.

2 Q. Did you give a statement on this subject to  
3 an agent of the National Labor Relations Board?

4 A. Yes, I did.

5 Q. Okay. And were the facts in that statement  
6 true when you gave it?

7 A. Yes.

8 Q. And you've read this affidavit?

9 A. Correct.

10 MR. TANSINO: I'm marking General  
11 Counsel's Exhibit 7.

12 (Whereupon, General Counsel's Exhibit Number 7  
13 was marked for identification.)

14 Q. I've handed the witness what's been marked  
15 General Counsel's Exhibit 7. And do you recognize it?

16 A. Yes, I do. It's way off on the dates.

17 Q. And, what is it?

18 A. August mostly when this stuff happened.

19 Q. I'm -- I'm sorry, what -- what's the  
20 document that you --

21 A. Oh, the affidavit that I gave a union  
22 representative, I believe.

23 Q. Okay.

24 JUDGE AMCHAN: I think the question  
25 is, does looking at that affidavit refresh your

1 recollection?

2 THE WITNESS: Yes, it does.

3 JUDGE AMCHAN: And after looking at  
4 that, does that change what you testified to earlier?

5 THE WITNESS: About the -- I -- I  
6 don't change about the -- the -- the -- the events  
7 that happened, but the -- the times, I do.

8 JUDGE AMCHAN: And what is your  
9 recollection after looking at the affidavit?

10 THE WITNESS: It was mostly in the  
11 month of August. July is when they -- at the end, is  
12 when they had the Petition about the Union. And then  
13 after that, that's when everything happened.

14 DIRECT EXAMINATION (CONT'D)

15 BY MR. TANSINO:

16 Q. Were there any other -- I'm going to --

17 MR. TANSINO: May -- I'm sorry. May  
18 I approach the witness?

19 JUDGE AMCHAN: Uh-huh.

20 Q. I'm going to take the -- this exhibit back  
21 from you.

22 A. Yeah.

23 Q. Were there any other officials who visited  
24 during the month of August?

25 A. I did see some people that I've never seen

1 before. I didn't have a chance to talk to them.

2 Q. Do you remember any of their names?

3 A. Just the one gentleman, Webster.

4 MR. TANSINO: Okay. Nothing further.

5 JUDGE AMCHAN: Does the Union have  
6 any questions?

7 MR. DEML: No, sir.

8 MR. HULT: Can I take a little time  
9 to view the Jencks statement here?

10 JUDGE AMCHAN: Sure.

11 MR. HULT: Thank you, Your Honor.

12 JUDGE AMCHAN: We'll go off the  
13 record while Mr. Hult looks at the affidavit.

14 (Off the record.)

15 JUDGE AMCHAN: Back on the record.

16 CROSS-EXAMINATION

17 BY MR. HULT:

18 Q. Good afternoon, Mr. Fisher. My name's Eric  
19 Hult. I'm the attorney for Garda, and I'm just going  
20 to ask you a few questions here.

21 I won't take up too much of your time.  
22 This will be, of course, about what you just spoke  
23 about.

24 A. Okay.

25 Q. You mentioned that, early on when you were

1 speaking, the vehicle breakdowns can cause delays --

2 A. Correct.

3 Q. -- in your scheduled routes.

4 A. Correct.

5 Q. That's accurate?

6 A. Yeah.

7 Q. Can those delays extend the amount of time  
8 you're out on the road?

9 A. That's correct.

10 Q. Can they delay service to clients?

11 A. Yes, it can.

12 Q. You spoke about some of the issues that  
13 seemed to be affecting the trucks, the armored trucks  
14 --

15 A. Uh-huh.

16 Q. -- that you were driving, were -- were  
17 responsible for the teams that were driving. Correct,  
18 you said that some of the issues would be fixed  
19 relatively quickly, and some there could be some  
20 delay?

21 A. Correct.

22 Q. You said it's, in your estimation, about  
23 ten degrees hotter --

24 A. Correct.

25 Q. -- outside -- or in the trucks, than it is

1 outside at any given time.

2 A. That's correct.

3 Q. I'm assuming -- is it fair to say that  
4 it's, in the month of July and August, in particular,  
5 very hot in those trucks?

6 A. Yes.

7 Q. Were you aware of employees -- whether  
8 formally using the DVIR process, or -- or some other  
9 formal complaint process, or even informally to you  
10 complaining about the temperature in the trucks?

11 A. Just complained to the branch manager.

12 JUDGE AMCHAN: And what -- what time  
13 -- well, first of all, what is -- what is DVIR?

14 MR. HULT: Are you familiar with --  
15 with the term "DVIR"?

16 THE WITNESS: It's a driver's daily  
17 log? No, that's not --

18 MR. HULT: Let's -- I'll use -- how  
19 about I'll ask him what the driver's daily log, which  
20 is the term that he used to describe what -- how you  
21 would log --

22 JUDGE AMCHAN: Uh-huh.

23 MR. HULT: -- the problems the truck  
24 may have at the end of the day?

25 JUDGE AMCHAN: Okay. The -- the

1 other thing I was a little unclear of was the time  
2 frame.

3 CROSS-EXAMINATION (CONT'D)

4 BY MR. HULT:

5 Q. In the -- well, at any point --

6 A. Uh-huh.

7 Q. -- during your time with Garda since 2010,  
8 are you aware of employees describing, or writing  
9 about, or complaining about the heat in the interior  
10 of armored trucks in the driver's daily log?

11 A. Yeah, you -- yeah, it was definitely  
12 notated in -- in that log.

13 Q. Were you aware of any employees going  
14 separately to the branch manager to discuss the heat  
15 in the inside of the trucks?

16 A. Well, there was verbal discussions whenever  
17 there was a meeting with all --

18 Q. Do you remember any particular times, dates  
19 when this took place? Summer of 2012?

20 A. 2011, 2012, 2010. I mean, that was really  
21 the main gripe, was the air conditioning. And the  
22 basic response from the branch manager and assistant  
23 branch manager is, well, required by law, we don't  
24 have to provide that.

25 Q. Did you feel that the heat in the inside of

1 the trucks in the summer of 2012 or before that was a  
2 safety risk to you, at any point?

3 A. Yes. It was brought up about heat  
4 exhaustion.

5 Q. With respect to the interior of the  
6 facility and -- and the garage, in particular, correct  
7 me if I'm wrong, but you said it was rather dirty in  
8 the interior before the Petition was filed.

9 A. Correct.

10 Q. Did you notice any oil in the garage on the  
11 ground?

12 A. Yes, there was.

13 Q. You said the restroom was filthy; correct?

14 A. Correct.

15 Q. You said that before the Petition was  
16 filed, there was a refrigerator that had pop that was  
17 available for purchase.

18 A. Correct.

19 Q. After the Petition was filed, a new  
20 refrigerator was brought in that contained only water.

21 A. Correct.

22 Q. Okay. To be clear, the new refrigerator  
23 contained water, the old refrigerator contained pop  
24 that was available for purchase.

25 A. Correct.

1 JUDGE AMCHAN: I thought the old  
2 refrigerator had --

3 THE WITNESS: Well, the old  
4 refrigerator was brought in was also filled with water  
5 after.

6 JUDGE AMCHAN: Well, wait a second.  
7 Well, before the Petition, I thought you said that  
8 there was --

9 THE WITNESS: Before the Petition,  
10 the older refrigerator had pop stocked in there for  
11 purchase.

12 JUDGE AMCHAN: But no water.

13 THE WITNESS: Correct, no water.

14 CROSS-EXAMINATION (CONT'D)

15 BY MR. HULT:

16 Q. For clarity sake here, you said that at  
17 some point there was a discussion about portable air  
18 conditioners being installed in the trucks?

19 A. Correct.

20 Q. And shorts as a potential option for --

21 A. That was --

22 Q. -- your uniform?

23 A. That was mentioned. I didn't mention that.

24 Q. Was this all brought up in the  
25 pre-Petition, that's what you said, as well, I



1 believe?

2 A. Correct.

3 MR. TANSINO: Objection. That  
4 mischaracterizes the testimony.

5 Q. When -- when, to the best of your  
6 recollection, were those two discussions about shorts  
7 and/or about portable air conditioning?

8 A. It's when the individual, Webster, was in  
9 town.

10 Q. Were portable air conditioning, to be  
11 clear, portable air conditioning devices installed on  
12 the armored trucks?

13 A. No, they never were. But the fans were,  
14 though.

15 Q. Have shorts ever been a part, since that  
16 discussion was had, of -- of your uniform.

17 A. When Vince Modarelli was in town, he  
18 mentioned that he was not going to provide the shorts,  
19 even -- and that was -- he -- he stated that after  
20 Terry called each route and asked them if they would  
21 -- would like to have a pair of shorts and what size  
22 you wore.

23 JUDGE AMCHAN: Well, I'm -- I'm --  
24 I'm sorry, I missed that. Terry is the new branch  
25 manager --

1 THE WITNESS: Correct.

2 JUDGE AMCHAN: -- who replaced  
3 Mr. Jacks?

4 THE WITNESS: Uh-huh.

5 JUDGE AMCHAN: And --

6 THE COURT REPORTER: Is that a yes,  
7 sir?

8 THE WITNESS: Yes.

9 JUDGE AMCHAN: Go over that again,  
10 because I -- I missed it completely.

11 THE WITNESS: Okay. At the time  
12 during when the Petition was -- was -- was turned in,  
13 Terry Hupp was an assistant branch manager.

14 JUDGE AMCHAN: Uh-huh.

15 THE WITNESS: He's now been promoted  
16 since Scott Jacks is no longer with the Company.

17 JUDGE AMCHAN: Okay. So, the thing  
18 about the shorts, that's what I -- I missed that.

19 THE WITNESS: Okay.

20 JUDGE AMCHAN: At some point Terry  
21 said something about shorts.

22 THE WITNESS: Terry -- Terry -- I  
23 mean, with this -- with this job, every day is just  
24 mushed into one.

25 JUDGE AMCHAN: Okay.

1 THE WITNESS: I mean, it's -- it's  
2 hard --

3 JUDGE AMCHAN: Okay, if -- no, if you  
4 don't remember, you just say you don't remember.

5 CROSS-EXAMINATION (CONT'D)

6 BY MR. HULT:

7 Q. Okay. Let's talk a little bit about the  
8 cleaning --

9 A. Uh-huh.

10 Q. -- the cleaning crew and after they had  
11 concluded in -- in the facility. You said that the  
12 garage was cleaned.

13 A. Correct.

14 Q. The oil that you mentioned earlier in the  
15 garage, was it removed --

16 A. Yes.

17 Q. -- from the floor? You said the restrooms  
18 were sanitary after the cleaning crew came through.

19 A. Correct.

20 Q. Finally, you spoke about conversations you  
21 remember having with an individual named Webster.

22 A. Correct.

23 Q. And you said that he'd asked you about the  
24 conditions of the truck.

25 A. Uh-huh.

1 Q. And about whether you had water.

2 A. Yes.

3 Q. Webster never asked you about union  
4 activity at any point in these conversations, did you  
5 -- did he?

6 A. No.

7 Q. He never promised to fix anything, did he?

8 A. Not that I remember, no.

9 Q. Did he ever offer you -- well, he never  
10 offered you anything in return for an agreement to  
11 take a position adverse to the Union, did he?

12 A. No, he does -- did not come out and say  
13 that, no.

14 Q. You mentioned that another group of around  
15 three individuals whom you hadn't seen before --

16 A. Correct.

17 Q. -- at the facility came through. None of  
18 those individuals ever promised you anything in  
19 exchange for taking a position adverse to the Union,  
20 did they?

21 A. No, because I never spoke to them.

22 MR. HULT: That's all I have.

23 JUDGE AMCHAN: Do you have anything  
24 on redirect?

25 MR. TANSINO: Just a -- just a couple

1 questions, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. TANSINO:

4 Q. Mr. Fisher, you -- you stated that  
5 employees had been making complaints about the heat  
6 and the trucks since you started there.

7 A. Correct.

8 Q. And prior to August of 2012, prior to that  
9 -- I'm sorry, prior to that Petition filing date of  
10 July 25th, 2012, had management ever done anything to  
11 respond to those complaints?

12 A. They had mechanics work on the vehicles, I  
13 mean, whenever they did. I mean, that's --

14 Q. Have you ever had a fan installed?

15 A. Prior to that, no.

16 MR. TANSINO: I have nothing further.  
17 Thank you.

18 JUDGE AMCHAN: I have one question,  
19 and maybe you don't know anything about this at all,  
20 and maybe the parties can stipulate.

21 But I -- I noticed in the R case there was  
22 an intervenor. So we're talking about the Petition,  
23 we're talking about the Charging Party, the United  
24 Federation of Special Police and Security Officers  
25 filing a Petition; correct?

1 MR. TANSINO: That's correct.

2 JUDGE AMCHAN: Now, did the  
3 intervenor, which is a different union, also file a  
4 Petition, or do you know -- do you know anything about  
5 the other --

6 THE WITNESS: I do not know anything  
7 about the other, no.

8 JUDGE AMCHAN: So you only know about  
9 one union.

10 THE WITNESS: Correct.

11 JUDGE AMCHAN: All right.

12 MR. TANSINO: I don't -- Mr. Deml, do  
13 you --

14 JUDGE AMCHAN: Well --

15 MR. DEML: Yes. SPFPA, and -- and  
16 I'm not going to be able to decipher that alphabet  
17 soup --

18 JUDGE AMCHAN: Yes.

19 MR. DEML: -- came and got one card,  
20 and I don't know that this is germane, but then  
21 contacted me and asked me to -- offered me a job if I  
22 would push the vote to their union.

23 JUDGE AMCHAN: Uh-huh.

24 MR. DEML: So we're -- we're handling  
25 that separately.

1 JUDGE AMCHAN: All right. So as far  
2 as we're -- other than the fact that they appear on  
3 the heading of the R case, your involvement is  
4 irrelevant.

5 Okay. I'll leave it -- I'll leave it be,  
6 then. Okay. You can step down.

7 THE WITNESS: All right. Thank you,  
8 sir.

9 (WITNESS EXCUSED)

10 JUDGE AMCHAN: I guess we've got to  
11 get the other witness, next witness. Off the record.

12 (Off the record.)

13 JUDGE AMCHAN: Back on the record.  
14 Your next witness is?

15 MR. TANSINO: I call Jason Durbin.

16 JUDGE AMCHAN: If you'd raise your  
17 right hand.

18 WHEREUPON,

19 JASON DURBIN,

20 A witness herein, having been first duly cautioned and  
21 sworn, was examined and testified as follows:

22 JUDGE AMCHAN: Okay. Make sure he  
23 spells his name.

24 DIRECT EXAMINATION

25 BY MR. TANSINO:

1 Q. Would you spell your name, please?

2 A. (J-A-S-O-N) (D-U-R-B-I-N).

3 JUDGE AMCHAN: I'm sorry, the last  
4 slower.

5 THE WITNESS: (D-U-R-B-I-N).

6 JUDGE AMCHAN: Okay.

7 Q. And, Mr. Durbin, you're employed with Garda  
8 Great Lakes; is that correct?

9 A. Yes.

10 Q. And how long have you been there?

11 A. About six and a half years.

12 Q. At -- at what branch are you employed?

13 A. Columbus.

14 Q. Have you been at that branch the entire  
15 time you've worked with Garda?

16 A. Yeah, that's permanent branch. I've moved  
17 around just to help other branches out, but not for  
18 extended periods of time.

19 Q. Are you aware of the union organizing  
20 activity that occurred at your branch this past  
21 summer?

22 A. Yes.

23 Q. I'm sorry, you have to wait for me to  
24 finish. We -- if we talk over each other, then the  
25 court reporter won't pick it up. So what -- I'm



1     sorry, what was your response?

2             A.       Yes.

3             Q.       Okay.  And after you became aware of this  
4     union activity, do you recall any visitors from  
5     outside management visiting the branch?

6             A.       Yes.

7             Q.       Do you recall when that was?

8             A.       Not specific dates, no.

9                     JUDGE AMCHAN:  Well, there was  
10    election.  Do you remember the election?

11                    THE WITNESS:  Yes.

12                    JUDGE AMCHAN:  And do you have any  
13    sense of when the visitors came in relation to the  
14    election?

15                    THE WITNESS:  It was frequently on  
16    and off before the election.  It was between July 4th,  
17    and then whenever the election was, I don't remember  
18    the date of the election.

19                    But July 4th is when I was on vacation, and  
20    when I have gotten back from vacation, the following  
21    week we had visitors on and off from then until the  
22    election.

23                    JUDGE AMCHAN:  Okay.  Can we  
24    stipulate the election August the 30th?

25                    MR. TANSINO:  Yes.

1 MR. HULT: Yes.

2 DIRECT EXAMINATION (CONT'D)

3 BY MR. TANSINO:

4 Q. Well, do you -- do you know who the  
5 visitors were to the facility?

6 A. Names, or --

7 Q. Yes, let's start with names.

8 A. There were a few that I didn't know. And I  
9 was told their names when they visited, but I can't  
10 remember them now. But I know Vince Modarelli was  
11 there. And he is our vice president, I think.

12 And there were a few other people that I  
13 can't remember their names. But they were -- they  
14 were referred to us as the fix-it people. They came  
15 to fix the issues we had with our branch, and to make  
16 us happy.

17 JUDGE AMCHAN: Well, who -- who  
18 called them the fix-it people?

19 THE WITNESS: When I asked what their  
20 job title was, it was told to me that they were there  
21 to be the fix-it people, to fix the issues that we had  
22 with our work environment.

23 JUDGE AMCHAN: By whom?

24 THE WITNESS: What's that?

25 JUDGE AMCHAN: By -- who told you

1 that?

2 THE WITNESS: Like I said, I don't  
3 remember names off the top of my head.

4 JUDGE AMCHAN: Okay.

5 DIRECT EXAMINATION (CONT'D)

6 BY MR. TANSINO:

7 Q. Do you remember who -- who told you that  
8 these were the fix-it people?

9 A. Yeah, there -- it was -- there was a blonde  
10 female, and then a black male that were there at the  
11 same time.

12 JUDGE AMCHAN: Was -- these were some  
13 of the visitors.

14 THE WITNESS: Yes, from Garda.

15 JUDGE AMCHAN: And did they call  
16 themselves the fix-it people, or did other employees  
17 refer to them as the fix-it people?

18 THE WITNESS: No, they called  
19 themselves that. That's when -- when I asked what  
20 their job title was, that's -- they told me that  
21 that's what they were hired to do, is to go from  
22 branch to branch and make it a better place to work.

23 DIRECT EXAMINATION (CONT'D)

24 BY MR. TANSINO:

25 Q. And you can't -- you can't recall with any

1 specificity when -- when these visitors were at the  
2 facility?

3 A. It was shortly after the Petitions were  
4 signed and put in. But, no, I can't remember the  
5 exact dates.

6 Q. Did you give a statement on the subject to  
7 an agent of the National Labor Relations Board?

8 A. I did fill out an affidavit just before the  
9 election.

10 Q. And were the facts in that statement true  
11 when you gave it?

12 A. Yes.

13 Q. If you had a chance to look over that  
14 statement, would it refresh your memory?

15 A. Possibly. I -- I don't remember offhand  
16 what -- what all -- all -- what all I included in it,  
17 if I included names or not, but --

18 Q. I'm going to hand you a document and ask  
19 you to identify it. Can you identify that document  
20 for the record, please?

21 A. Yeah, this is the affidavit that I filled  
22 out.

23 Q. Okay.

24 JUDGE AMCHAN: What -- what -- what's  
25 the date on it? Do you -- does -- can you tell from

1 looking at the last page, or --

2 THE WITNESS: August 1st is the date  
3 that I see on here. But that's not the date. I don't  
4 think this was filled out.

5 MR. TANSINO: If -- if you turn to  
6 Page 8.

7 THE WITNESS: August 23rd.

8 JUDGE AMCHAN: Is that the date you  
9 signed it?

10 THE WITNESS: Yes.

11 DIRECT EXAMINATION (CONT'D)

12 BY MR. TANSINO:

13 Q. All right. I'd like to turn your attention  
14 to Page 2, the -- that middle paragraph, if you could  
15 just read -- don't read it out loud, just read it to  
16 yourself.

17 And let me know when you're finished,  
18 please.

19 A. Okay.

20 Q. And let the record reflect I'm taking the  
21 document.

22 Now, then -- now do you recall when -- when  
23 those individuals that you mentioned came to the  
24 facility?

25 A. Yeah.

1 Q. And when was it?

2 A. I don't remember -- like I said, I don't  
3 remember specific dates, but I'm guessing August 1st.

4 Q. Okay. And do you recall the names of the  
5 individuals?

6 A. I remember now that the -- the blonde  
7 lady's name was Christine, and the -- the black male's  
8 name was Webster.

9 Q. And was there anyone else there?

10 A. Christine's assistant, but I don't -- I  
11 didn't ever recall his name. I don't think I ever got  
12 it.

13 Q. Okay. Did you speak with any of them?

14 A. Yeah, I spoke with Christine.

15 Q. Okay. And how did that conversation start?

16 A. It -- when we had gotten to work we were  
17 loading our truck, and Christine came over and talked  
18 to my partner and I while we were getting ready to  
19 leave?

20 Q. Did she ask you any questions?

21 A. I remember her asking why the morale was  
22 down at our branch, and just pretty general questions  
23 about what made us unhappy about our branch, and what  
24 we thought would make it better.

25 Q. And, did you -- did you respond?

1 A. Yeah, we had a -- we had a conversation.

2 Q. What did -- what did you say?

3 A. Well, my partner and I both let her know  
4 that the cleanliness of the branch has been an issue.  
5 And that we have voiced our concerns with our  
6 workplace with our manager and district manager in the  
7 past, and kind of feel like that they were ignored.

8 Q. Did you make any complaints?

9 A. Not official complaints. I mean, we were  
10 complaining during the conversation.

11 Q. Did you complain about the cleanliness of  
12 the facility?

13 A. Yeah, we were complaining about the amount  
14 of fluids that have been spilled on the floor and not  
15 cleaned up from our trucks leaking.

16 The amount of diesel soot that's on  
17 everything. The cleanliness of our bathrooms. That's  
18 all I can remember right now.

19 Q. Did you talk about the heat conditions in  
20 the truck?

21 A. Yes. Yes, we did.

22 Q. What did -- what did you say about that?

23 A. That it was pretty crazy that our employer  
24 can get away with working us in the trucks that they  
25 work us in with the lack of air conditioning when it's

1 -- it gets well over a hundred degrees outside, let  
2 alone inside of a truck with no windows that roll  
3 down, and three-inch thick bulletproof glass that acts  
4 as magnifying glasses.

5 Q. Did -- did Christine respond?

6 A. She seemed very sympathetic and agreed that  
7 it - - it's ridiculous that -- that we would be  
8 working in trucks without air conditioning. And she  
9 even said that she wouldn't do it herself.

10 She said that she was going to see what she  
11 could do about getting shorts implemented into our  
12 uniforms so we didn't have to wear the long pants.  
13 And that there should be fans in our truck, and that  
14 the air conditioning should work.

15 Q. Did she mention anything about water?

16 A. She did say that they should supply us with  
17 water. And by the end of the day, there were two  
18 refrigerators full of bottles of water that were cold.

19 Q. I'm not sure I asked you this. Had -- had  
20 you ever seen this woman before?

21 A. Not before that date, no.

22 Q. Had anyone else from Garda management ever  
23 asked you about these subjects before?

24 A. No.

25 Q. Before talking with Christine, what was



1 your understanding of Garda's policy concerning  
2 staying hydrated when you're on the truck?

3 A. I didn't know that we had one. We were  
4 never -- we were never really taught anything about  
5 it, up until the -- up until the visitors started  
6 coming in.

7 We had a -- a Garda employee that came in  
8 that was an instructor, and we had to take a course of  
9 staying hydrated. And also a sexual harassment course  
10 all at the same time.

11 Up until that point, which was, I believe,  
12 after Christine's visit, up until that point, I wasn't  
13 aware of any policies, or even suggestions on how to  
14 stay hydrated.

15 Q. What -- what was your practice, prior to  
16 that point?

17 A. On -- I mean, I would just drink water on  
18 days that it was very hot. And if we didn't have air  
19 conditioning, my partner and I would sometimes take  
20 turns at some of our stops going into the coolers and  
21 cooling off.

22 Q. When you say you -- you -- you would drink  
23 water, where -- where were you getting the water from?

24 A. I was buying them from the store.

25 Q. You said you've been with the Company for

1 over six years.

2 A. Yes.

3 Q. Was last summer hot?

4 A. Yes.

5 Q. Was the summer before that hot?

6 A. Yes.

7 Q. Before that?

8 A. Yeah.

9 Q. Had you -- had you made any complaints  
10 prior to this most recent summer?

11 A. Yeah. I mean, every summer we tend to have  
12 a little bit of a -- of a battle with Garda about  
13 making sure our air conditioners work.

14 Q. And who would you talk to about -- about  
15 those complaints?

16 A. Our branch manager and assistant manager.

17 Q. And what was the response?

18 A. That they were working on it.

19 Q. Do you recall any other visitors to the  
20 branch during the month of August 2012?

21 A. I know our -- one of our managers, Joe, was  
22 there. And then, like I said, also Vince Modarelli.

23 Q. Do you recall anyone from Labor Relations?

24 A. There was a lady that was with Vince. I  
25 think her name was Ivilices. I'm not really sure what

1 her role with Garda was.

2 I was told that she was a lawyer. But,  
3 later, someone else had told me that she had been with  
4 our Labor Relations Department --

5 Q. Okay. So you -- you didn't have a --

6 A. -- so I'm not really --

7 Q. I'm sorry. Go ahead.

8 A. So I'm not really sure exactly what her  
9 role with Garda is. But that's one of the things I  
10 did hear, is that she was Labor Relations.

11 Q. Okay. And so you didn't actually speak  
12 with her.

13 A. We had a meeting with her and Vince, where  
14 she explained some of the workings of how the election  
15 would work, and things like that. But I -- I didn't  
16 really speak to her on a personal level.

17 I had a, maybe a 30-second conversation  
18 with her after that meeting, but I can't recall what  
19 it was about or what was said.

20 Q. Well, do you recall in relation to when you  
21 spoke with Christine this meeting was with Ivilices?

22 A. It was afterwards.

23 Q. Okay. How close in time afterwards?

24 A. A couple weeks.

25 Q. Had you ever seen her before that visit?

1           A.       No.

2           Q.       And what about -- what about the vice  
3 president, Vincent Modarelli?

4           A.       No.

5                   JUDGE AMCHAN:   Was he only there  
6 once, that you recall?

7                   THE WITNESS:   Vince was there twice,  
8 that I can recall.

9                   JUDGE AMCHAN:   And Ivilices, was she  
10 there more than once?

11                   THE WITNESS:   I want to say she was  
12 there twice, as well, but I only remember -- it might  
13 have been that she was there for two days in a row and  
14 that's why I remember twice.   But I only remember her  
15 interacting with us once.

16                   JUDGE AMCHAN:   The meeting you talked  
17 about, do you recall how -- when that occurred in  
18 relation to the election?

19                   THE WITNESS:   Maybe a week before the  
20 election.   Maybe less than a week.

21                   MR. TANSINO:   I have nothing further.

22                   MR. HULT:   Jencks statements?

23                   JUDGE AMCHAN:   We'll go off the  
24 record.

25           (Off the record.)

1 JUDGE AMCHAN: Back on the record.

2 CROSS-EXAMINATION

3 BY MR. DEML:

4 Q. Jason, I'm Jack Deml, we know each other.  
5 During the meeting with Ivilices and Vince Modarelli,  
6 Lunares as being Ivilices last name, did they ask you  
7 collectively to withdraw the Union Petition?

8 A. They did say that if we withdraw --  
9 withdrew the Petition and gave them six months to make  
10 our working conditions better, that -- that Vince  
11 would make sure that we were all happy, making our  
12 working conditions better.

13 And he did say that if that didn't happen,  
14 that he would just give us the Union, that we wouldn't  
15 have to have an election.

16 Q. If -- if that didn't happen, meaning if --  
17 if --

18 A. If he didn't make our workplace a better  
19 place within six months.

20 MR. DEML: Thank you. No further  
21 questions.

22 JUDGE AMCHAN: Okay. We'll go off  
23 the record while Mr. Hult reviews the affidavit.

24 (Off the record.)

25 JUDGE AMCHAN: Back on the record.

## CROSS-EXAMINATION

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BY MR. HULT:

Q. Hi, Jason, my name's Eric Hult. I'm the attorney for Garda, and I'm just going to ask you a few questions here. I won't take up too much of your time, if that's all right.

Just to be clear, you spoke earlier about the term "fix-it people." I'm not sure I understood, at least I'm -- I understand that you were referencing Christine and Webster being referred to as the fix-it people; is that correct?

A. Yes.

Q. Did Christine and Webster refer to themselves as the fix-it people, or did other employees refer to Christine and Webster as the fix-it people?

A. Christine did. I didn't talk to Webster directly.

Q. Okay. You mentioned that before the Petition was filed in early or mid-July, there was an unsanitary amount of diesel soot in the garage in the facility; is that a fair statement?

A. Yes.

Q. Oil on the garage floor?

A. Yes.

1 Q. Unsanitary conditions in the restrooms?

2 A. Yes.

3 Q. Did you consider this, the oil issue and --  
4 and the diesel soot issue to be a hazard?

5 A. Yeah.

6 Q. Okay. Along those lines, both about the  
7 heat and the inside of the trucks, obviously, it can  
8 get extremely hot on the inside of those trucks --

9 A. Uh-huh.

10 Q. -- in the middle of summer; is that  
11 correct?

12 A. Yes.

13 Q. Had you or others in the Columbus facility,  
14 at any point in the summer of 2012, made formal or an  
15 informal complaint about the heat in the inside of  
16 those trucks?

17 A. Yes.

18 Q. Summer of 2011?

19 A. Yes.

20 Q. You -- you mentioned that while you weren't  
21 aware of a hydration policy, when Christine and  
22 Webster came to the facility, you received training on  
23 hydration; is that correct?

24 A. Yes.

25 Q. Was that heat mitigation training, is that

1 -- did anyone call it that, or something like that?

2 A. I don't remember what they called the --  
3 the hydration portion of it. It was given in an early  
4 morning, and it was -- I knew it had a sexual  
5 harassment, it was a two-part training and one --  
6 something had to do with hydration, or heat, or  
7 something.

8 I can't remember what the first part of it  
9 was technically called.

10 Q. Was the -- we'll ignore the sexual  
11 harassment part of it for -- for the purposes of my  
12 questioning here.

13 But was the -- was the purpose of -- of  
14 that training to instruct you on ways to stay cool and  
15 hydrated on these particularly warm summer days?

16 A. Yeah.

17 Q. Okay. And that was Christine and Webster  
18 that gave that training?

19 A. No.

20 Q. Who gave that training?

21 A. He was a corporate security guy that had  
22 became a -- a branch trainer, I think maybe was what  
23 his title became after that.

24 Q. It wasn't Ivilices, as the lady you  
25 referred to earlier?



1           A.       No.

2           Q.       Okay. But after that training, you were  
3 familiar with the fact that there was a policy, or at  
4 least guidelines on staying hydrated on these hot  
5 days.

6           A.       If you want to call it that, it's kind of  
7 hard to stay hydrated in a hundred and twenty degree  
8 truck.

9           Q.       Understood. I want to get a little  
10 clarification on this comment that you allege Ivilices  
11 made. It was one of the last things we were talking  
12 about on direct examination.

13                   One more time. You -- you said that she  
14 said something to you, or maybe a group, I -- I'm not  
15 clear, about the Union, or your Union activities. Can  
16 you restate that for me?

17          A.       I had --

18          Q.       Would you like me to re-ask the question?

19          A.       It -- yes.

20          Q.       Did Ivilices ever make you any promises  
21 about things that would change if the Union was not  
22 voted in?

23          A.       I don't remember Ivilices saying anything  
24 on those lines. She seemed very kind of straight to  
25 the point. And I felt like she kind of knew her

1 boundaries of what to say and what not to say.

2 Q. When she gave you that -- when she gave the  
3 group that conversation about unions and that speech,  
4 you -- you know what I'm referring to, sort of the --  
5 the -- the pre-election speech about why Garda did not  
6 want you to vote for a union, so to speak.

7 A. Uh-huh.

8 Q. Did -- she never mentioned that she would  
9 make things better if you voted no, did she?

10 A. "Eva" did not, no.

11 Q. Okay. In fact, she told you, at some  
12 point, that she had nothing to do with the changes  
13 that were taking place at the facility at that time,  
14 didn't she?

15 A. She did, yes.

16 Q. And Ivilices is, to the best of your  
17 knowledge, associated with the Labor Relations  
18 Department at Garda?

19 A. She's either in the Legal Department or the  
20 Human Resources Department, I'm not sure which.

21 Q. To the best of your knowledge, do you know  
22 what the job titles, or what departments Christine and  
23 Webster worked in?

24 A. No.

25 Q. No one ever told you they worked in Labor

1 Relations?

2 A. No.

3 Q. Did it seem to you like they worked in

4 Labor Relations?

5 A. Christine, yes; Webster, no.

6 MR. HULT: That's all I have.

7 EXAMINATION

8 BY JUDGE AMCHAN:

9 Q. In answer to Mr. Deml's question, do you --  
10 you were talking about something that Webster said to  
11 you; am I correct?

12 A. No, that would be Vincent Modarelli that  
13 said that.

14 Q. About -- what -- so that I don't put words  
15 in your mouth, what did Vincent Modarelli say?

16 A. He said that if conditions did not improve  
17 within six months, that he would just give us the  
18 Union.

19 Q. Now, Evi -- I'm having a tough time with  
20 her name, Ivilices, was she there when he said that?

21 A. Yes.

22 Q. You didn't testify about anything that  
23 Webster said?

24 A. Like I said, I've never directly talked to  
25 Webster.

1 JUDGE AMCHAN: Okay. Do you have  
2 anything on redirect?

3 REDIRECT EXAMINATION

4 BY MR. TANSINO:

5 Q. The -- the heat mitigation training that  
6 you testified about just now, do you -- do you recall  
7 when that was?

8 A. I don't know the exact date. I know it was  
9 at like six in the morning.

10 JUDGE AMCHAN: Do you know whether it  
11 was before or after the election?

12 THE WITNESS: It was before the  
13 election.

14 REDIRECT EXAMINATION (CONT'D)

15 BY MR. TANSINO:

16 Q. Do you know whether it was after the  
17 Petition was filed?

18 A. It was after the Petition.

19 Q. Do you recall the exact date?

20 A. No.

21 Q. I'm going to hand you a document again.  
22 And it should look familiar. Could -- could you just  
23 identify it again for the record, please?

24 A. It's the same affidavit that you handed me  
25 earlier.

1 Q. And just read to yourself that -- that last  
2 paragraph on the first page there that -- that goes  
3 onto the second page. And let me know when you're  
4 finished.

5 A. Okay.

6 Q. I'm going to take it from you. Now do you  
7 recall when that heat mitigation training occurred?

8 A. Sometime around August 1st.

9 MR. TANSINO: Nothing further.

10 JUDGE AMCHAN: Do you have anything  
11 on --

12 RE-EXAMINATION

13 BY JUDGE AMCHAN:

14 Q. You may have already testified, but your  
15 job is you drive an armored truck; right?

16 A. I'm a driver/messenger.

17 Q. Which means?

18 A. I drive, and then I'm also -- I have a  
19 partner and we switch driving duties.

20 Q. Uh-huh.

21 A. Generally halfway through the day, but it  
22 just depends on the two working on the truck  
23 throughout the day.

24 I usually go in and I'll either work on  
25 ATM's outside, or I'll go into stops and pick up

1    whatever it is that we're there to pick up or drop  
2    off.

3           Q.       All right.

4           A.       And then bring it back to the truck.

5           Q.       So the guy driving the truck stays in the  
6    truck at all times, correct, and then the other guys  
7    gets out and does --

8           A.       Yeah.

9           Q.       -- whatever has to be done at the stop.

10          A.       Yeah.

11                   JUDGE AMCHAN:   Okay.   Anything else?

12                   MR. TANSINO:   No.

13                   JUDGE AMCHAN:   You're excused.   Thank  
14   you.

15                   MR. TANSINO:   Thank you, Jason.

16                   JUDGE AMCHAN:   I guess, could you  
17   send the next person down.   He'll tell you who that  
18   might be.

19                   MR. TANSINO:   Scott.   Scott Hall.

20                   THE WITNESS:   Scott, okay.

21                               (WITNESS EXCUSED)

22                   JUDGE AMCHAN:   You can go off the  
23   record.

24                   (Off the record.)

25                   JUDGE AMCHAN:   Back on the record.

1 MR. TANSINO: I call Scott Hall.

2 JUDGE AMCHAN: If you'd raise your  
3 right hand.

4 WHEREUPON,

5 SCOTT HALL,

6 A witness herein, having been first duly cautioned and  
7 sworn, was examined and testified as follows:

8 JUDGE AMCHAN: Okay.

9 DIRECT EXAMINATION

10 BY MR. TANSINO:

11 Q. Mr. Hall, could you spell your name, for  
12 the record, please.

13 A. First and last?

14 Q. Yes.

15 A. Scott, (S-C-O-T-T), Hall, (H-A-L-L).

16 Q. Mr. Hall, are you here voluntarily today?

17 A. Yes.

18 Q. You were served a subpoena to appear and  
19 testify?

20 A. Yes.

21 Q. I mean, you're an employee of Garda Great  
22 Lakes; is that correct?

23 A. Yes.

24 Q. Okay. And what's your position?

25 A. Messenger/driver.

1 Q. And how long have you been there?

2 A. About 15, 16 months now, somewhere around  
3 there.

4 Q. And have you been at the Columbus Branch --

5 A. Yes.

6 Q. -- the entire time?

7 A. Yes.

8 Q. And are you aware of the Union organizing  
9 activity that occurred at your branch this past  
10 summer?

11 A. Yes.

12 Q. And when -- when did you first become aware  
13 of that activity?

14 A. I think it was just before summer I started  
15 hearing a rumor about it, and that was really about  
16 all I heard. I mean, I just heard that there might be  
17 one coming in, and that was it.

18 Q. And do you -- do you know when the Petition  
19 was filed?

20 A. Not off the top of my head, no.

21 Q. Do you know what I'm talking about when I  
22 referred to the Petition?

23 A. Are you talking about signatures, or --

24 Q. Let me -- let me ask you a different  
25 question.



1           A.       Okay.

2           Q.       After -- after you became aware of the  
3 Union activity, do you recall any visitors from  
4 outside management visiting the branch?

5           A.       Only one. He -- but he wasn't even really  
6 there. Like he was off to the side, and I don't even  
7 think he was with the Union that -- he was with a  
8 different union, but that was it.

9                    I didn't even have any confrontation, or  
10 talk to him, or anything. He just -- the only thing  
11 he ever said to me was do you want a shirt, and I said  
12 no, and I just got in my car and left.

13          Q.       I'm -- I'm -- I'm asking you --

14          A.       About this --

15          Q.       -- whether there were any visitors from  
16 management who were --

17          A.       Oh, I'm sorry. Here and there, there were  
18 some visitors from upper management, as far as Garda  
19 goes, yes.

20          Q.       Okay. Do you recall their names, any of  
21 these visitors?

22          A.       Senior management, I believe there was Joe  
23 Bigonus, Vince Modarelli. And I don't remember who  
24 came up from Florida, but a couple people came up from  
25 Florida.

1 I think they were with like Vehicle Safety,  
2 or something. I don't -- I can't remember their  
3 names.

4 Q. Okay. Well, let's -- let's focus on the --  
5 on the folks from -- from Florida first. You don't --  
6 you said you don't recall their names. Do you recall  
7 when they were there?

8 A. July or August.

9 Q. Did you provide a statement to an agent at  
10 the National Labor Relations Board?

11 A. I don't believe I did, no.

12 Q. You didn't provide a sworn signed  
13 affidavit?

14 A. Oh, that I did, yes.

15 Q. Okay.

16 A. But not to the -- that was to the Union. I  
17 didn't know it was going to go any further than that.

18 Q. Do you recall who it was you spoke to?

19 A. No. A gentleman. That's all I can say.

20 Q. Well, were the -- the facts that you  
21 provided in that statement true when you gave it?

22 A. To the best of my abilities I can remember  
23 at that time.

24 Q. Okay. And if you had a chance to look over  
25 it, would that help you refresh your -- your memory?

1 A. I guess it would a little bit, sure.

2 Q. I'm going to hand you a document and ask  
3 you to identify it, please.

4 A. Okay.

5 Q. Can you -- do you recognize that document?

6 A. Yes.

7 Q. What is it?

8 A. This would be my, I guess it would be my  
9 affidavit when I talked to the guy, what he typed up.

10 Q. Okay. I want to direct your attention to  
11 the -- to the last page of that affidavit.

12 A. Where I had signed?

13 Q. There's two signatures there.

14 A. Uh-huh.

15 Q. Just read to yourself that -- that last  
16 page there.

17 A. Okay.

18 Q. And I -- I also want to direct your  
19 attention to Page 2 of the affidavit, the first full  
20 -- full paragraph there.

21 And just read that to yourself, please.

22 Okay, are you done?

23 A. Yeah.

24 Q. I'm taking the document from the witness.

25 Now, after -- after reviewing that document, do you

1 remember giving a statement to a board agent for the  
2 National Labor Relations Board?

3 A. That -- yes, that gentleman. I mean --

4 Q. Yes. Do you remember his name from the --  
5 the signature block?

6 A. I couldn't even read his signature, and I'd  
7 --

8 Q. Yes, it's kind of a scroll. And now I want  
9 to ask you, after reviewing that second page, do you  
10 recall when these individuals came to -- to visit from  
11 Florida?

12 A. It looks like I -- I mentioned it was  
13 around August, like end of July, beginning of August.

14 Q. Okay. It was August 7th, wasn't it?

15 A. Or the beginning -- yeah. Yeah. The  
16 beginning of August.

17 Q. And did you -- did you speak to anyone?

18 A. Yes.

19 Q. Okay. Do you remember who it was you spoke  
20 to?

21 A. That Christine Bouquin, or Christina.

22 Q. Okay. And what -- what was the  
23 conversation about?

24 A. She was wanting to know about the situation  
25 with the air conditioning in the vehicles, and

1 everything. I guess as of right now it -- it sucks.

2 It's -- you know, I was on a truck for  
3 three weeks where it was about a hundred and thirty-  
4 five degrees on that truck. And it was absolutely  
5 ridiculous.

6 You know, and she said that -- she asked me  
7 if it had gotten fixed. And I said, well, as of the  
8 last few days there were some trucks that went out and  
9 got AC fixed.

10 And I said I wasn't really -- I didn't know  
11 what was going on. I said it's a good thing, by all  
12 means, and it -- it got fixed.

13 And she had mentioned that she didn't know  
14 who to contact, as -- like she was looking -- she  
15 basically Googled Columbus and mentioned that she  
16 looked at all the mechanics and their numbers, called  
17 up who could fix these trucks and these -- these --  
18 the AC in these trucks.

19 And, you know, the ones that dealt with  
20 these kinds of trucks, anyways, and that's how they  
21 got fixed. And that was really about it with that.

22 And she mentioned -- she asked my opinion  
23 what I thought of having shorts. And I just said,  
24 well, I guess that would be a good idea.

25 I mean, I don't really know what -- that's

1 really about it. It was just the -- the condition of  
2 the AC in the trucks, and I guess the trucks, in  
3 general.

4 But I -- at that -- at that given time,  
5 given that it was August and it was hot and I was  
6 already irritated because it was hot, you know, I just  
7 talked about the AC the whole time.

8 Q. Did she say anything about improving the  
9 conditions at the facility?

10 A. I don't believe so. I don't really  
11 remember that part, to be quite honest. I don't think  
12 she did, she may have. Somewhat -- maybe the other  
13 couple guys did, I don't know.

14 I -- I remember the manager at that time  
15 had mentioned that somebody had talked to him about  
16 improving the conditions. But I don't know. It was a  
17 guy, a -- a man that said something, I don't know his  
18 name. I don't know.

19 That -- that was the only name I could  
20 remember from those three that came up from Florida.  
21 And that was the only person I had talked to, was  
22 Christine.

23 Q. This was a -- a gentleman who was -- was  
24 there at the same time as Christine Bouquin?

25 A. Yes.

1 Q. Okay.

2 A. He -- he had talked to Scott Jacks, and  
3 Jacks was talking to us about it. How true that might  
4 be, I don't know, because that -- whatever came out of  
5 Jacks' mouth was --

6 Q. She -- she didn't say anything to you about  
7 bending the rules?

8 MR. HULT: Objection; leading.

9 JUDGE AMCHAN: Sustained. What -- do  
10 you remember anything else she said?

11 THE WITNESS: Yeah, a little bit  
12 about that, yeah. But it was more or less, I wouldn't  
13 say it was bending the rules.

14 It might have been something more along the  
15 lines of, you know, if it makes sense, she'll make --  
16 it -- it would work.

17 She'd make it work. You know, versus  
18 overall breaking a rule, or something, you know. Like  
19 stepping out of the boundaries just a little bit.

20 DIRECT EXAMINATION (CONT'D)

21 BY MR. TANSINO:

22 Q. All right. Well, let me step back a little  
23 bit. When -- when she said if it makes sense, we'll  
24 make it work, what -- what did you take that to mean?

25 A. Common sense. I mean, you know, why -- why

1 is it that we have guys on a truck that are spending  
2 money just to stay hydrated so that we don't crash a  
3 truck into oncoming traffic. You know, it was just  
4 things like that. I mean --

5 Q. So she was talking about -- about the heat  
6 issues on the trucks.

7 A. Yeah, exactly. Making sure that guys  
8 aren't passing out while driving.

9 Q. Well, had anyone from Garda management ever  
10 asked you about this subject before?

11 A. AC?

12 Q. Yeah.

13 A. No.

14 Q. What was your understanding of how you, as  
15 a driver on a hot truck, how you were supposed to stay  
16 hydrated?

17 A. Well, the only thing I could really  
18 understand about it was I have to stay -- I have to  
19 stay awake, I have to stay conscious. I might as well  
20 get some water, or Gatorade, or something.

21 I mean, it was kind of a crappy situation  
22 that I had to pay for this stuff, you know, whereas I  
23 shouldn't even have to be on this truck at all. But  
24 that's the only thing I can think of.

25 Q. Did you speak with anyone else from



1 Florida?

2 A. No.

3 Q. I'm going to show you this document once  
4 more. Page 3, just read to yourself that -- that  
5 bottom of that -- that paragraph that ends on the page  
6 there, the last -- the last sentence. I'm going to  
7 take back the document.

8 Does that help you remember whether you  
9 spoke with anyone else?

10 A. That was at a meeting about the -- the cash  
11 flow situation. That was an "Ava," I don't -- I --  
12 that's all I got is "Ava" something. I don't remember  
13 her last name.

14 Q. Okay.

15 A. She was talking about, and that's the  
16 typical excuse, really, a cash flow problem. And I  
17 had brought up the whole situation that when we had a  
18 power outage, we had a backup generator that failed.

19 And it -- we got a backup generator within,  
20 I think it was like 16 hours, it wasn't very long, and  
21 it cost \$7,000. I don't know how much it really cost,  
22 but that was the word on the street.

23 And we were -- the question I had asked  
24 was, how come we can get a backup generator within  
25 less than a day that cost \$7,000, but we can't get AC

1 fixed that costs less than 200 -- or \$2,000?

2 And she actually really didn't answer my  
3 question. So that's -- I -- that was my rebuttal to  
4 her saying there's a cash flow problem.

5 Q. This was during a conversation with, what  
6 was the woman's name?

7 A. "Ava." I -- I don't know her last name. I  
8 -- she -- I guess she deals with union situations. I  
9 -- I don't know.

10 She -- she just came down to basically talk  
11 to us about why it would be a bad idea to have a  
12 union, and that was just -- and then the whole  
13 meeting, the whole branch was there.

14 And, like I said, she was just talking  
15 about how, you know, it was a cash flow problem. And  
16 that's, like I said, that's when I brought up the  
17 situation with the generator.

18 JUDGE AMCHAN: Do you recall how --  
19 when this occurred in relation to the election?

20 THE WITNESS: As far as the time  
21 frame?

22 JUDGE AMCHAN: Yes.

23 THE WITNESS: It was sometime in  
24 July, I think.

25 DIRECT EXAMINATION (CONT'D)

1 BY MR. TANSINO:

2 Q. Well, do you recall when it was in relation  
3 to your conversation with Christine Bouquin?

4 A. It was before my conversation with  
5 Christine.

6 Q. Okay. Let me -- let me show you this  
7 again. I've handed the witness a document.

8 A. Okay. All right. I guess it was after --

9 Q. Page 3. I'm sorry. There's no question  
10 pending. Just -- yes, the -- just read that. I think  
11 you know where -- where I'm --

12 A. Yep.

13 Q. -- I'm going with this, but --

14 A. All right. Yeah, I guess it was after  
15 that. I -- I didn't remember.

16 JUDGE AMCHAN: Well, I mean, does  
17 that refresh your recollection? Do you -- now --  
18 reading it, do you remember now that it occurred at  
19 some other time, or --

20 THE WITNESS: It was --

21 JUDGE AMCHAN: -- or you -- or you  
22 just --

23 THE WITNESS: It was on August 8th,  
24 from what I could see on that, is when I -- when I  
25 talked -- or when I made that statement to "Ava."

1 JUDGE AMCHAN: So do you -- do you  
2 know because reading that you now remember that it was  
3 August 8th, or just because that's within -- it's in  
4 the document?

5 THE WITNESS: Just because it's in  
6 the document. I mean, I --

7 JUDGE AMCHAN: You don't have any  
8 independent recollection of the date.

9 THE WITNESS: No.

10 DIRECT EXAMINATION (CONT'D)

11 BY MR. TANSINO:

12 Q. Now, you -- you already testified that you  
13 -- you gave a sworn statement to an agent of the NLRB.  
14 And so let me ask. You -- you read over the statement  
15 before signing it; correct?

16 A. Yes.

17 Q. Okay. And on your oath you swore that the  
18 statement was true and accurate; correct?

19 A. Yes.

20 Q. And it was true when you took the oath;  
21 right?

22 A. Yes.

23 Q. And then the statement was taken August  
24 22nd, 2012; correct?

25 A. Yes.

1 Q. I'm going to hand you this document again.  
2 And I'd -- I'd just like you to read aloud into the  
3 record that paragraph beginning on Page 3, from the  
4 beginning until --

5 A. From the very top, or the second paragraph?

6 Q. The -- from the -- the second paragraph to  
7 --

8 A. On August 7th? "On August 7th I read the  
9 sign in the office that we are to check for changes,  
10 and it said that there was a mandatory meeting on  
11 Wednesday, the 8th of August.

12 This particular Wednesday I was off, but  
13 came in for the meeting. The meeting was held with  
14 employees of the branch and the woman from Garda  
15 Corporate. I do not remember her name. When I got to  
16 work, I was not dressed for work because it was my day  
17 off.

18 The meeting was supposed to be about  
19 portable AC units, but when we arrived, the woman  
20 spoke to us about the disadvantage of unionization.  
21 Specifically, she talked about the Garda branch in New  
22 Jersey.

23 She said that there was -- there was a  
24 branch in New Jersey who was told -- was told by their  
25 union to terminate 17 employees from the Garda

1 facility because they didn't pay their union dues. I  
2 think this was used in a scare tactic for the  
3 employees at our facility to discourage them from  
4 unionizing.

5 She also told us that Garda doesn't have  
6 to negotiate with the Union, and basically that  
7 negotiations with unions were a myth, and that they  
8 didn't do that at Garda.

9 She also said that if we sign a contract  
10 with the Union that we would be stuck in the contract  
11 until the contract ends. She told us that we would be  
12 paying the Union dues and it wouldn't do any good.

13 We told her that some of the money that we  
14 paid toward the Union would go to a charity. She said  
15 that wasn't true. She didn't seem to think very  
16 highly of unionization.

17 After the speech, she began to take  
18 questions from the employees at Garda, and we began to  
19 express our concerns over AC units not working, trucks  
20 falling apart, and scanners -- scanners in trucks not  
21 working."

22 Q. You -- you can stop there. Thank you.

23 A. Okay.

24 Q. I think you -- you've testified to the  
25 remainder. This was -- this was "Ava"?

1           A.       Yes.

2                   MR. TANSINO:   And will the Respondent  
3 stipulate that "Ava" is Ivilices Lunares?

4                   MR. HULT:   Ivilices Lunares, yes.

5                   MR. TANSINO:   I mean --

6                   JUDGE AMCHAN:   Just, I'm not sure it  
7 was -- your response was audible.

8                   MR. HULT:   Yes.

9                   JUDGE AMCHAN:   Okay.

10                  MR. TANSINO:   Okay.   And I'll take  
11 back that document.   Thank you, Mr. Hall.   I have  
12 nothing further.

13                  MR. DEML:   No questions.

14                  MR. HULT:   A few minutes to review  
15 the statement.

16                  JUDGE AMCHAN:   Go off the record  
17 while Mr. Hult reviews the affidavit.

18                  (Off the record.)

19                  JUDGE AMCHAN:   Back on the record.

20                               CROSS-EXAMINATION

21 BY MR. HULT:

22           Q.       Hi, Scott.   My name's Eric Hult.   I'm the  
23 attorney for Garda.   I'm just going to ask you a few  
24 questions here.   It shouldn't take too long.

25           A.       Okay.

1 Q. 2012 was the first full summer you worked  
2 for Garda; is that correct?

3 A. That's correct.

4 Q. You talked a little bit about the heat  
5 inside the armored trucks in the summer, especially in  
6 2012, and estimated it was about a hundred and thirty-  
7 five degrees; is that correct?

8 A. Yes.

9 Q. Do you consider that to be unsafe?

10 A. Absolutely.

11 Q. Dangerous, even?

12 A. Yes.

13 Q. And you complained about this problem,  
14 didn't you?

15 A. Yes.

16 Q. Who did you complain to?

17 A. It was mainly my, just my crew leader,  
18 Andrew Atkinson, he's no longer employed. But,  
19 because he was on there with me.

20 And I think what ended up happening was it  
21 boiled over and got to Scott Jacks, because one of the  
22 things that happened was he backed up without a ground  
23 guide in front of -- in front of Jacks and Jacks  
24 threatened to write him up for backing up without a  
25 ground guide.



1                   And Andrew was a bit of a hothead and  
2   started flipping out and yelling at him, talking about  
3   how, you know, he wants to know if he can write up for  
4   the fact that we don't have AC in the trucks.

5                   And that -- then, all of a sudden, Scott  
6   made a call, that he said he was going to call, I  
7   forget what they're called, OSHA, and that was really  
8   about the end of that.

9                   And he said he did, but he never -- I don't  
10  -- I don't know if he did or not.

11         Q.       And so your crew leader told Scott that he  
12   was going to call OSHA?

13         A.       No, he -- our crew leader wanted to know  
14   who he could write up for the AC. And then Jacks said  
15   that he called OSHA and threatened to call -- or, you  
16   know, threatened that -- no, he called Garda, somebody  
17   up higher and said that he was going to call OSHA.

18                  That's what it was, about the heat in the  
19   trucks, because we've got people throwing up, and  
20   things like that.

21         Q.       Sorry. Will you say that one more time? I  
22   -- I'm not sure I -- somebody told Scott that they  
23   were going to call OSHA because people were throwing  
24   up?

25         A.       No. When Andrew flipped out on Jacks.

1 Q. Uh-huh.

2 A. He had said that he was -- he wanted to  
3 know who he could write up for the AC. And then I saw  
4 -- I remember seeing Scott get on the phone, I don't  
5 know who he was calling.

6 But he said, well, if we don't get this AC  
7 fixed, then I'm going to have to call OSHA. And that  
8 was the -- that was pretty much the end of that.

9 Q. You made passing reference to drivers,  
10 pardon the pun there, passing out, or potential for  
11 passing out while they were driving.

12 Have you ever heard of that happening, or  
13 have anyone talk about that?

14 A. No, I haven't heard of it happening.

15 Q. But do you feel it was hot enough that it  
16 was a risk?

17 A. Absolutely. I remember driving and just  
18 sweat pouring off my body, and then I started shaking.

19 Q. Did you ever consider calling OSHA?

20 A. At one time or another, yes, I considered  
21 it. I never did, because it was never -- it -- as  
22 painful as it was, I've been through worse. I've -- I  
23 was in Afghanistan prior to that, so the only  
24 difference is with the humidity, but --

25 Q. Were you -- did other employees discuss

1 calling OSHA?

2 A. Not that I can recall.

3 Q. In your statement you made reference to  
4 sort of the cleanliness of the facility. Was there  
5 oil on the ground in the garage?

6 A. Every now and again there is, yes.

7 Q. This was pre -- before the Petition was  
8 filed in July of 2012?

9 A. Sure.

10 MR. HULT: That's all I have. Thank  
11 you.

12 JUDGE AMCHAN: Do you have anything  
13 else?

14 MR. TANSINO: No, nothing for me,  
15 Your Honor.

16 MR. DEML: Quickly, I've got a  
17 question.

18 CROSS-EXAMINATION

19 BY MR. DEML:

20 Q. Before the cleaning crews started coming  
21 in, how were the oils and fluids in the garage  
22 addressed, cleaned up, whatever?

23 A. Before the cleaning crew it was just, you  
24 know, we'd throw like -- like kitty litter on it, or  
25 something like that, let it soak up, and then we'd

1 sweep it up and throw it out that way, the correct  
2 way.

3 Q. Would that reduce the perceived hazards if  
4 -- if the fluids were -- were absorbed?

5 A. As far as like slipping and sliding?

6 Q. Exactly.

7 A. Absolutely, yes.

8 MR. DEML: Thank you. No more -- no  
9 more questions.

10 JUDGE AMCHAN: Okay. You can step  
11 down. Thank you.

12 (WITNESS EXCUSED)

13 JUDGE AMCHAN: Let's go off the  
14 record.

15 (Off the record.)

16 JUDGE AMCHAN: Back on the record.

17 MR. TANSINO: I call Grant Rogers.

18 JUDGE AMCHAN: Mr. Rogers, if you'd  
19 raise -- raise your right hand.

20 WHEREUPON,

21 GRANT ROGERS,

22 A witness herein, having been first duly cautioned and  
23 sworn, was examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. TANSINO:

1 Q. Mr. Rogers, would you please spell your  
2 name, for the record.

3 A. It's Grant, (G-R-A-N-T), Rogers,  
4 (R-O-G-E-R-S).

5 Q. And where are you employed?

6 A. Garda Cash Logistics.

7 Q. How long have you been there?

8 A. Almost two years. Since April of 2011.

9 Q. And what -- what branch are you at?

10 A. Columbus, Ohio.

11 Q. And have you been at that branch since you  
12 started working there?

13 A. Yes.

14 Q. And what's your position?

15 A. Messenger/driver.

16 Q. Do you have an assigned route that you  
17 drive?

18 A. No.

19 Q. So what's -- what routes do you drive?

20 A. I'm -- I'm semi-assigned. Generally, three  
21 days of the week I will do the same route. And then  
22 Thursday and Friday I rotate, depending on the needs  
23 of the branch.

24 Q. So you may be out on different trucks; is  
25 that right?

1 A. Yes.

2 Q. And what -- what -- what hours do you work?

3 A. I generally start around seven in the  
4 morning and go until the route is complete for the  
5 day.

6 Q. And what determines how long you're out on  
7 the road?

8 A. We have a list of stops that we need to  
9 complete for the day. And we stay out on route until  
10 all of those stops have been serviced.

11 Q. Are you familiar with the Union organizing  
12 drive at your -- at your facility this past summer?

13 A. Yes.

14 Q. When did you first become aware of that  
15 campaign?

16 A. I believe it was mid to late July.

17 Q. And after that time, did you notice any  
18 visitors to your facility?

19 A. Yes. You have to be more specific.

20 Q. Anybody from outside management come to  
21 visit.

22 A. From the Company's side, yes.

23 Q. From Garda.

24 A. Yes.

25 Q. Who came to visit?

1           A.       The first people were -- there was a lady  
2   and two gentlemen that were there one morning. I  
3   don't know any of their names or their positions.

4           Q.       Do you know why they were there?

5           A.       Not really. They came in one morning while  
6   we were getting ready to -- to get out on route.  
7   There was never really any announcement why they were  
8   there.

9                    There was no formal meeting. They were  
10   just there in the morning as we were getting ready.

11          Q.       Did you talk with any of them?

12          A.       I spoke with the lady very briefly, just  
13   kind of exchanged pleasantries. She said that she was  
14   from Florida.

15                   And one of the other employees with me  
16   started talking to her about that area of Florida,  
17   because he had lived there.

18                   And then it was time for me to go get  
19   ready, so I went into the check-in bay, and that was  
20   the extent of the conversation.

21          Q.       Prior to the time of -- of this visit,  
22   would you describe for me the -- the conditions of the  
23   garage and the restroom where you worked?

24          A.       I would say they were generally pretty  
25   filthy on a day-to-day basis.

1 Q. Would you elaborate?

2 A. There were periodic cleanings that were  
3 done, but they were pretty much just a surface  
4 cleaning when we had visitors from -- clients, you  
5 know, customers.

6 They would generally just kind of clean up  
7 the -- the oil spills and the other debris on the shop  
8 floor, and just kind of stack things so they were  
9 pretty much organized, you know, to a -- a casual  
10 glance. But that's about as deep as the cleanings  
11 ever went.

12 Q. And who -- who would do the cleaning?

13 A. Generally, the manager at that time, Scott  
14 Jacks would do it while we were on route, or he would  
15 ask someone to do some of the sweeping and -- and  
16 power wash the floors when they got back off of route,  
17 or if they were on vault duty.

18 Q. What about the -- what about the condition  
19 of the trucks?

20 A. The trucks, it -- it varied by the  
21 particular vehicle. But all of them, I would say,  
22 were subpar.

23 JUDGE AMCHAN: Do you know how many  
24 trucks operate out of the facility?

25 THE WITNESS: I believe we have



1 approximately 16.

2 DIRECT EXAMINATION (CONT'D)

3 BY MR. TANSINO:

4 Q. And -- and you drive different routes,  
5 right, so --

6 A. Yes.

7 Q. -- does that mean you may be out on a -- on  
8 a different truck on a different -- on a given -- any  
9 given day?

10 A. Yes.

11 Q. Okay. What -- what are -- when you say  
12 that the condition of the trucks was subpar, can you  
13 describe some of the conditions that would lead to it  
14 being described as subpar?

15 A. It's pretty old fleet. Most of the  
16 vehicles were -- were around eight to ten years old.  
17 So they had a lot of, you know, just wear-and-tear on  
18 the parts.

19 Things would -- would fail, as mechanical  
20 things are inclined to do. You could have engine  
21 failure, fuel leaks, fluid leaks.

22 We had a lot of issues with the heating and  
23 air conditioning systems, you know, tires that weren't  
24 as -- as -- as much tread on it as we would like to  
25 see.

1                   Pretty much anything you can think of that  
2   can go wrong with a truck I've experienced.

3           Q.       What about your -- your comfort level while  
4   you're driving the truck or -- or riding along in the  
5   truck?

6           A.       It depended on the vehicle.   Some of the  
7   vehicles had climate control that worked in the front  
8   and the back.   Some of them had one or the other.  
9   Some of them had neither.

10                   So depending on what worked, and how hot or  
11   cold the day was, it -- it kind of, you know, it was a  
12   toss-up from day-to-day how much -- you know, how much  
13   climate control there was in the vehicle.

14           Q.       Okay.   And can you maybe just explain how  
15   the truck is set up?   You've got the cab, and -- and  
16   then the -- there -- your -- how -- how -- how do you  
17   deliver the -- the -- maybe just, I don't know.   I'm  
18   sorry.   Let me strike that.

19                   It -- you -- you drive the -- a route with  
20   another Garda employee; is that -- is that right?

21           A.       Correct.

22           Q.       Okay.   And you -- one of you is the driver,  
23   the second person is the messenger?

24           A.       Correct.

25           Q.       Do you both sit in the front?

1           A.       No.

2           Q.       Okay.

3           A.       No, there's seating in the front.  It's a  
4 -- generally, a smaller area for the driver separated  
5 from the larger back end by what's called a bulkhead.

6                   And so the driver's obviously up front in  
7 the driver's seat.  The messenger is in a messenger  
8 seat in the rear of the truck.

9           Q.       And is that area of the truck secure from  
10 the cab?

11          A.       There's a -- a bulkhead door which can be  
12 closed to separate the two areas.

13          Q.       How's the ventilation within the truck?

14          A.       The only ventilation comes from two vents,  
15 the ceiling of the vehicle.  One is above the  
16 messenger seat, generally, and the other is above the  
17 driver's seat.

18          Q.       How is the comfort of the -- the seats on  
19 the truck?

20          A.       I wouldn't describe any of them as  
21 comfortable.  Some of them have the -- the air ride  
22 adjustment system that works decently well.

23                   Some of them are bolted to the -- the floor  
24 of the truck, and so you feel all the bumps from the  
25 road.  Some of them are broken so that the -- the back

1 of the seat maybe hangs to one side or leans back.

2 Sometimes you'll have to stuff something  
3 behind the chair because the seat back is broken and  
4 it -- and it won't stay in its upright position.

5 So, again, it just varies by vehicle, what  
6 equipment is in that truck.

7 Q. And do you have a -- a process for -- for  
8 notifying Garda if you're having problems with the  
9 vehicle?

10 A. We have a driver's log form. It's a  
11 triplicate form. So we fill out the top copy and it  
12 carbons it to the -- the second and third copy.

13 One of those is handed in every night. One  
14 of them stays with the truck. And the other one goes  
15 with our paperwork that's put on file.

16 Q. And, now, prior -- prior to this meeting,  
17 or this visit, I'm sorry, or prior to this visit that  
18 you described with the individuals from -- from  
19 Florida, how did management respond to the problems  
20 that were reported with the trucks?

21 A. Generally, if the problem that we reported  
22 did not -- did not take the truck out of service, if  
23 it wasn't something like a blown engine or a seized  
24 engine, you know, transmission dropping out, something  
25 like that, then it was kind of put on hold, and we

1 would continue using the truck, often for quite some  
2 time without it being fixed.

3 Q. Prior to that -- that visit from the folks  
4 from Florida, was there water available at -- at the  
5 branch?

6 A. We don't have any sort of water fountain,  
7 or anything like that. I don't know that there's any  
8 source of potable water in the building.

9 What they used to do, when I first started,  
10 they had a frig that was accessible as you came in to  
11 clock in where you could purchase items like Gatorade,  
12 pop, water, that sort of thing on the honor system, if  
13 you wanted that for the day.

14 And, occasionally, during the hottest parts  
15 of the year, the manager would provide water for a  
16 day. So when we -- when we got back in off the route,  
17 he'd have a -- a cooler with, you know, maybe three or  
18 four dozen bottles of water that he had purchased and  
19 brought in, we'd be able to -- to use that when we got  
20 off a route, but then it was gone the next day.

21 Q. Okay. Well, let me go back and ask you.  
22 Let's talk now about after the -- the visit when these  
23 -- these individuals from Florida --

24 A. Uh-huh.

25 Q. How did the -- the cleanliness of the -- of

1 the branch change?

2 A. After a series of meetings that we had or,  
3 rather, the visit and then a meeting and some other  
4 visitors coming in, they -- they started cleaning up  
5 the branch much better.

6 They -- they did a major, like, cleanup of  
7 -- of items that were either broken or no longer used  
8 they removed from the branch, took out to the  
9 dumpster. They did a more thorough cleaning of the --  
10 the branch garage.

11 So in addition to like the normal sweeping,  
12 and stuff, they -- they cleaned off like the safety  
13 equipment that hadn't been cleaned, I don't know how  
14 long, but they -- they cleaned like the -- the eyewash  
15 station that was hanging on the wall.

16 And they also cleaned the -- the bathrooms,  
17 which I had never seen happen. They had repainted the  
18 bathrooms, but had never seemingly cleaned them since  
19 I had been employed there.

20 Q. Well, what happened with truck repairs  
21 after this visit?

22 A. Well, after the -- the meeting that we had  
23 following the visit of the three people, the day after  
24 that meeting, if I remember correctly, we had some  
25 mechanics come up from Louisville, Kentucky, and they

1 were doing a lot of work on the -- the heating and air  
2 conditioning systems.

3 And they also had little, like, around  
4 six-inch fans that they mounted and hard -- hard wired  
5 into the -- the dash on a lot of the trucks to either  
6 supplement or take the place of air conditioning  
7 systems that weren't working.

8 Q. Were the trucks that you drove cooler  
9 following this visit in the -- the installation of the  
10 -- the fans?

11 A. It depended on what vehicle it was. I  
12 mean, I can't -- I can't speak to any certainty about  
13 the ones that I drove immediately afterward were  
14 noticeably different, because I couldn't tell you  
15 whether they had working systems before that or not.

16 Q. Okay. Following this visit from the people  
17 in -- from Florida, did you -- did anything change  
18 with the -- the water situation at the -- at the  
19 branch?

20 A. Yes. Around that time they -- they took  
21 the refrigerator that had been used for the -- the  
22 Gatorade, pop, that sort of thing, that we were  
23 purchasing on the -- the honor system. They hadn't  
24 been stocked in a while.

25 They took that refrigerator and moved it

1 into the garage area where it's more easily accept --  
2 accessible, as we're -- we're getting ready, and  
3 coming in, and all that sort of thing.

4           They moved it into there. And also another  
5 refrigerator. I'm not sure where it came from  
6 exactly. But they -- they placed those two  
7 refrigerators in the garage area and stocked them  
8 completely full of water.

9           Q.     And was there any honor system, that you  
10 were aware of?

11          A.     No. The water was for us to use, and there  
12 was no charge for it.

13          Q.     Did you use the water?

14          A.     Yeah.

15          Q.     One last question. Those -- those  
16 individuals from Florida, had you ever seen them or  
17 met them before?

18          A.     No.

19                   MR. TANSINO: Okay. Nothing further.

20                   JUDGE AMCHAN: Do you have anything?

21                   MR. DEML: Nothing. Thanks.

22                   MR. HULT: Just a couple. Sorry. Is  
23 there a -- I wasn't paying attention to that. I don't  
24 think I -- maybe I didn't ask. I don't remember.

25                   JUDGE AMCHAN: Off the record while



1 Mr. Hult reviews the statement.

2 (Off the record.)

3 JUDGE AMCHAN: Back on the record.

4 CROSS-EXAMINATION

5 BY MR. HULT:

6 Q. Hi, Grant. My name's Eric Hult. I'm the  
7 attorney for Garda. I'm just going to be asking you a  
8 few questions. It shouldn't take too long.

9 A. Okay.

10 Q. You spoke about the driver's, what are we  
11 calling it here, the driver log form --

12 A. Yes, sir.

13 Q. -- history document? When you complete  
14 that at the end of a shift, who do you submit that  
15 document to?

16 A. Well, we turn it in with all the -- the  
17 rest of our paperwork. So it goes to the vault staff,  
18 who compile, you know, a list.

19 They aggregate all those reports and send  
20 it in to -- to a few people at the end of the night  
21 via e-mail.

22 Q. And do you know if that was -- that report,  
23 at the end of the night, was seen by the branch  
24 manager?

25 Did you get the impression, at least, that

1 it was seen by the branch manager on a daily basis?

2 A. Yes.

3 Q. Okay. Anyone above the branch manager that  
4 you got the impression saw that on a daily night -- or  
5 a daily basis, excuse me?

6 A. Yes. I do believe that it goes to Chuck  
7 Havens. And also the Vehicle Safety Department.

8 Q. And you said that one of the problems was  
9 that if something that was logged on that -- that log  
10 form didn't take a vehicle out of service, there was a  
11 delay in getting that problem fixed?

12 A. Yes.

13 Q. You said you never seen the individuals  
14 that -- that showed up after the Petition was filed  
15 before they appeared at the branch for the first time;  
16 is that correct?

17 A. Correct.

18 Q. And during these meetings after the  
19 Petition was filed, or the meeting where Ivilices  
20 spoke, or "Ava" spoke, are you familiar with -- with  
21 whom --

22 A. Yes.

23 Q. -- I'm referencing? She referenced a pilot  
24 program that was being implemented by the Company with  
25 respect to air conditioning in trucks, didn't she?

1           A.       I don't know if it was her, specifically,  
2 or Scott Jacks --

3           Q.       Oh, I'm sorry.

4           A.       -- had referenced it; but, yes.

5           Q.       It could have been Scott Jacks, as well,  
6 couldn't it have been?

7           A.       Yes.

8           Q.       Okay. Thank you. During that sort of town  
9 hall meeting or speech that Ivilices had with  
10 employees, you said she never promised to make any  
11 specific changes, did she?

12                   MR. TANSINO: I'm going to object. I  
13 don't think this was testified to on -- on direct.

14                   JUDGE AMCHAN: I'm not --

15                   MR. HULT: I'll rephrase the  
16 question.

17                   JUDGE AMCHAN: Well, I'm not a big  
18 stickler on that particular rule. I don't --  
19 generally, the rule being that you're limited to  
20 direct.

21                   I'd kind of like to find out of anything  
22 this witness knows that's relevant to the case. So  
23 I'm giving you free hand.

24                   CROSS-EXAMINATION (CONT'D)

25 BY MR. HULT:

1 Q. Would you like me to repeat the question?

2 A. If you -- are you rephrasing or --

3 Q. I will just repeat it for you. During that  
4 meeting, Ivilices didn't promise to make any changes,  
5 did she?

6 A. She did not say I promise we will do this.  
7 But she told us in terms of some things as "you are."  
8 You are at the top of the list for replacement  
9 vehicles. You are part of a pilot program for the air  
10 conditioners.

11 Q. That's great. And you mentioned the state  
12 of the garage, that it was filthy --

13 A. Yes.

14 Q. -- before the Petition was filed, and that  
15 after it was filed, a cleaning crew came in; is that  
16 correct?

17 A. Yes.

18 Q. And you -- it's true, isn't it, that at  
19 least in the past when clients, significant clients,  
20 or what you would consider to be important people in  
21 the Company, higher ups would come in, they would at  
22 least make some effort to clean the garage?

23 A. Yes. They would address, like I said,  
24 superficial items that it -- it was more directed  
25 towards the incoming client, rather than towards the

1 comfort or sanitation, or whatever provided to the  
2 employees.

3 MR. HULT: That's all I have.

4 JUDGE AMCHAN: Anything on redirect?

5 MR. DEML: No.

6 REDIRECT EXAMINATION

7 BY MR. TANSINO:

8 Q. The -- the cleaning that took place in  
9 August, who -- who -- who did that cleaning?

10 A. The major cleanup effort that I witnessed  
11 was -- was done by Scott Jacks. It seemed to be under  
12 the direction of who I was told was a Mr. Webster.

13 Q. And so you didn't -- you didn't witness  
14 anyone else at the branch cleaning -- cleaning the  
15 branch.

16 A. Not at that time, no.

17 Q. Okay. Since then, have you -- have you  
18 seen anyone cleaning the branch?

19 A. Well, we organized, there -- there was some  
20 volunteers that came in and did pretty much a top to  
21 bottom cleanup of the branch one weekend.

22 And then since that time they've had the --  
23 the cleaning crew that comes in periodically, an  
24 outside cleaning service that comes and cleans the  
25 branch.

1 Q. Okay. When was this weekend top to bottom  
2 cleaning, to the best of your recollection?

3 A. I believe it was in September.

4 Q. And -- and since that time, the -- how --  
5 how do you know that there's an outside cleaning crew  
6 that's -- that's coming in?

7 A. I was told so.

8 Q. By -- by whom?

9 A. It's -- it's one of those things that seems  
10 to be general knowledge now.

11 Q. Okay.

12 A. I'm sorry. I can't be any more specific.

13 MR. TANSINO: That's fine. I'm done.

14 JUDGE AMCHAN: Anybody have anything  
15 else?

16 (No response.)

17 JUDGE AMCHAN: You're excused. Thank  
18 you.

19 (WITNESS EXCUSED)

20 JUDGE AMCHAN: Do you have more  
21 witnesses?

22 MR. TANSINO: Yes. I'd like to take  
23 a short break, if I could.

24 JUDGE AMCHAN: Okay.

25 MR. TANSINO: And you can -- could

1 you send Mike done, and then you're -- you're all set.

2 MR. ROGERS: Okay.

3 MR. TANSINO: Thanks.

4 JUDGE AMCHAN: We're off the record.

5 (Off the record.)

6 JUDGE AMCHAN: Back on the record.

7 MR. TANSINO: I call Michael Hamrick.

8 JUDGE AMCHAN: If you'd raise your  
9 right hand.

10 WHEREUPON,

11 MICHAEL HAMRICK,

12 A witness herein, having been first duly cautioned and  
13 sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. TANSINO:

16 Q. Mr. Hamrick, where are you currently  
17 employed?

18 A. Garda Cash Logistics.

19 Q. And, are you --

20 JUDGE AMCHAN: Have -- have him spell  
21 his last name.

22 MR. TANSINO: I'm sorry. Could you  
23 spell your first and last name?

24 THE WITNESS: I beg your pardon?

25 JUDGE AMCHAN: If you could spell --

1 well, it's -- Michael's the conventional way of  
2 spelling Michael. But how do you spell your last  
3 name?

4 THE WITNESS: (H-A-M-R-I-C-K).

5 DIRECT EXAMINATION (CONT'D)

6 BY MR. TANSINO:

7 Q. And you're at the Columbus Branch; right?

8 A. Yes.

9 Q. Okay. What's your position there?

10 A. Messenger/driver.

11 Q. And how long have you been there?

12 A. Going on six years. I was hired in June  
13 the 27th, 2007.

14 Q. Okay. And are -- are you familiar with the  
15 Union activity at your -- at your branch this past  
16 summer?

17 A. Yes.

18 Q. And do you -- when -- when did you first  
19 become aware of that activity?

20 A. It must have been ongoing maybe two weeks  
21 before I even found out about it.

22 Q. Okay. So can you give me a date or a date  
23 range?

24 A. Not really.

25 Q. Okay. Do you -- do you recall when the



1 election was?

2 A. I believe August the 30th, possibly.

3 Q. And how -- how far in advance of the  
4 election were you aware that there was going to be a  
5 -- or that there was union activity occurring?

6 A. How far in advance?

7 Q. How far before the -- the election?

8 A. I didn't quite catch all of that. I'm  
9 sorry.

10 Q. That's all right.

11 A. How far in advance of the -- the election  
12 that I knew about it?

13 Q. Yes.

14 A. Probably three weeks, maybe.

15 Q. Okay. And after you became aware of the  
16 Union activity, did you -- did you see any outside  
17 management visiting the branch?

18 A. Yes.

19 Q. Who did you see?

20 A. The first time approximately around about  
21 maybe four people. They was milling around inside and  
22 out. One was a female Caucasian. That's about all I  
23 remember of it. They were talking to some of the  
24 people there.

25 Q. Did you speak with them?

1 A. I beg your pardon?

2 Q. Did you speak with any of them?

3 A. No. I was too busy getting my job done.

4 Q. Okay. Do you recall the date of that  
5 visit?

6 A. I believe it was on a -- on a Tuesday.

7 Q. Tuesday of what month?

8 A. Beg your pardon?

9 Q. Which Tuesday of what month?

10 A. Which Tuesday?

11 Q. Yes.

12 A. Probably around about the second Tuesday of  
13 that month, possibly.

14 Q. Okay.

15 JUDGE AMCHAN: Of which month?

16 THE WITNESS: Of August, sir.

17 Q. All right. Well, prior to that visit,  
18 could you describe how -- the -- the conditions of the  
19 garage?

20 A. Prior to that?

21 Q. Prior to that visit.

22 A. Filthy. Dirty.

23 Q. What about the restroom?

24 A. The restrooms? They were pretty well  
25 corroded with soot from the settlement of the diesels,

1 diesel engines.

2 Q. Okay. When you say the bathrooms were  
3 covered in soot, do you mean -- could you -- the whole  
4 bathroom, or the floor?

5 A. More noticeably the toilet bowls, itself,  
6 and the toilet seats, pretty heavily dirty.

7 Q. Well, Was there -- was there soap in these  
8 restrooms?

9 A. I beg your pardon?

10 Q. Was there -- I'm -- was there soap in the  
11 -- in the restrooms?

12 A. A lot of times, no.

13 Q. Hot water?

14 A. No.

15 Q. What about after the -- the visit in  
16 August?

17 A. Could you be a little clearer on that,  
18 because there's two --

19 Q. Sure.

20 JUDGE AMCHAN: Well, did anything  
21 change? Did -- did anything change after the visitors  
22 came?

23 THE WITNESS: Okay. After the  
24 visitors was there, yes, there was some changes, yes.

25 DIRECT EXAMINATION (CONT'D)

1 BY MR. TANSINO:

2 Q. Did they clean the -- did -- did somebody  
3 clean the facility?

4 A. Somebody cleaned them.

5 Q. Okay. But do you know who?

6 A. No, I don't. There was an outside --  
7 evidently some type of outside cleaning crew was  
8 there.

9 Q. Evidently is a tricky word. Did you see  
10 who cleaned the -- the -- the branch?

11 A. No, because the people was on the outside  
12 of the building when we was pulling in at the end of  
13 our shift, and reeling up a hose and that.

14 The only reason why I noticed is because as  
15 we walked in, the bay area was surprisingly --  
16 surprisingly cleaned.

17 Q. Okay. Well, when you say surprisingly  
18 cleaned, how -- how -- how were the bathrooms  
19 improved?

20 A. Quite a bit. They -- they improved. They  
21 were cleaned.

22 Q. Was the soot removed from the toilet bowls?

23 A. Yes.

24 Q. Following this visit in August, was there  
25 hot water in the bathrooms?

1 A. Yes.

2 Q. Was there soap in the dispensers?

3 A. Yes.

4 Q. Since that cleaning, has -- has there been  
5 any -- have you witnessed an outside cleaning crew at  
6 the facility?

7 A. No.

8 Q. Okay.

9 A. Not that I've noticed.

10 Q. How has the cleanliness of the branch been,  
11 generally?

12 A. Since the --

13 Q. Since -- since the --

14 A. -- since --

15 Q. Yes, since the visit.

16 A. Real -- real good. Decent, yes.

17 MR. TANSINO: Okay. That's all I  
18 have.

19 JUDGE AMCHAN: Do you have anything?

20 MR. DEML: No questions.

21 MR. HULT: Any statements?

22 JUDGE AMCHAN: Go off the record.

23 (Off the record.)

24 JUDGE AMCHAN: Back on the record.

25 CROSS-EXAMINATION

1 BY MR. HULT:

2 Q. Michael, my name's Eric Hult. I'm the  
3 attorney for Garda. Just two or three questions, and  
4 you'll be done.

5 August 7th, or that second Tuesday in  
6 August when you said four individuals came to the  
7 Columbus facility; correct?

8 A. I believe so, yes.

9 Q. And you did not with those individuals, and  
10 they did not talk with you; correct?

11 A. No.

12 MR. HULT: That's it.

13 JUDGE AMCHAN: Anything else?

14 MR. DEML: No questions.

15 JUDGE AMCHAN: You're excused. Thank  
16 you.

17 THE WITNESS: Thank you.

18 (WITNESS EXCUSED)

19 MR. TANSINO: I have a few exhibits  
20 that I want to introduce. Respondent's counsel and I  
21 spoke prior to the opening of the hearing and -- and  
22 he's willing to stipulate to their authenticity.

23 JUDGE AMCHAN: How about their  
24 admission?

25 MR. TANSINO: Well --

1 MR. HULT: Every one of those, at  
2 some point, I will be introducing or was going to  
3 attempt to introduce anyway, so --

4 JUDGE AMCHAN: Well, you could stip  
5 --

6 MR. HULT: -- I won't fight it. I --  
7 I will stipulate to admissibility, as well.

8 JUDGE AMCHAN: Okay.

9 MR. HULT: An indirect way of --

10 MR. TANSINO: There may some argument  
11 over their -- their -- their probative value, one way  
12 or another, but --

13 JUDGE AMCHAN: Sure.

14 MR. TANSINO: And I have -- I have  
15 copies of all of them for everyone. I just need to  
16 collate them.

17 JUDGE AMCHAN: Okay.

18 (Whereupon, General Counsel's Exhibit Numbers  
19 2 through 6 were marked for identification.)

20 JUDGE AMCHAN: Can we go off the  
21 record until you're ready to move for their admission?

22 MR. TANSINO: Yes.

23 JUDGE AMCHAN: Okay. Off the record.

24 (Off the record.)

25 JUDGE AMCHAN: Back on the record.

1 MR. TANSINO: I have exhibits that  
2 I've passed out to Respondent's counsel and the Union  
3 representative and -- and Your Honor.

4 And they're marked General Counsel's  
5 Exhibit 2. That is a three-page document. It is an  
6 e-mail thread.

7 The first page has an e-mail -- and this is  
8 just for the -- for the record -- from Christine  
9 Bouquin sent August 1st, 2012, eleven twenty-  
10 seven p.m. to Webster Lubemba.

11 General Counsel's Exhibit 3 is a two-page  
12 document. It's an e-mail thread from Webster Lubenda  
13 -- Lubemba sent Thursday, August 2nd, 2012 at  
14 2:55 p.m. to Christine Bouquin.

15 GC4 is four pages. It's an e-mail thread  
16 beginning with an e-mail from Christine Bouquin sent  
17 Sunday, August 5th, 2012, one-o-six p.m. to Lori  
18 Brown, Steve Morss, and Hugues Trottier. I'm sure I'm  
19 bungling that. Hugues, (H-U-G-U-E-S)  
20 (T-R-O-T-T-I-E-R), and Steve Morss is (M-O-R-S-S).

21 GC5 is a two-page e-mail thread from Scott  
22 Jacks sent Monday, August 6th, 2012 at nine twenty-  
23 eight a.m. to Christine Bouquin.

24 GC6 is a three-page document. The first  
25 two pages are an e-mail thread. The third page is an



1 attachment.

2           The first page e-mail is from Webster  
3 Lubemba sent Tuesday, August 21st, 2012,  
4 one-o-one p.m. to Christine Bouquin and Ivilices  
5 Lunares. The attachment is titled, "Trip to Columbus,  
6 Ohio Branch, 8/15/12."

7           Move for admission.

8           JUDGE AMCHAN: Okay. And you're --  
9 wanted to stipulate to the admission of GC2 through 6?

10          MR. HULT: Yes.

11          JUDGE AMCHAN: Okay. They're  
12 received.

13          (Whereupon, General Counsel's Exhibit Numbers  
14 2 through 6 were received into evidence.)

15          MR. TANSINO: I have a voluminous  
16 amount of subpoenaed records. And it's possible that  
17 I may want to introduce some of those records as part  
18 of my case in chief.

19          So I -- I would request a break to review  
20 them.

21          JUDGE AMCHAN: Okay. You don't have  
22 any more live witnesses?

23          MR. TANSINO: I'm -- I'm -- no, I --  
24 I have no more witnesses.

25          JUDGE AMCHAN: All right. What time

1 do you want to start tomorrow morning?

2 MR. HULT: Your call. Your call,  
3 Your Honor. I'm -- I'm -- I'm an early riser, but  
4 some people aren't, so I don't mind. Whenever. I'm  
5 the local guy. I can get here at a moment's notice,  
6 so this is -- whatever makes the --

7 JUDGE AMCHAN: Well, we don't have to  
8 have -- we don't have this on the record. Off the  
9 record.

10 (Whereupon, the hearing adjourned at .m.,  
11 on January 28, 2013, to be reconvened on  
12 January 29, 2013 at 10:00 a.m.)

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## 1 C E R T I F I C A T E

2 This is to certify that the attached proceedings  
3 before The National Labor Relations Board, were held  
4 according to the record and that this is the original,  
5 complete, true and accurate transcript which has  
6 been compared to the reporting and recording  
7 accomplished at the hearing and that all the exhibits  
8 have been checked for completeness and no exhibits  
9 received in evidence or in the rejected exhibits files  
10 are missing.

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14 DEBBIE GEARY - OFFICIAL COURT REPORTER  
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1 THE UNITED STATES OF AMERICA  
2 BEFORE THE NATIONAL LABOR RELATIONS BOARD  
3 REGION 9

4

5 CASE NO. 9-CA-087203 (VOLUME 2 of 2)

6 9-RC-085968

7

8 In the Matter of:

9 GARDA CL GREAT LAKES, INCORPORATED,

10 Respondent,

11 And

12 UNITED FEDERATION OF SPECIAL POLICE AND SECURITY

13 OFFICERS, INCORPORATED,

14 Charging Party.

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21 The above-entitled matter came on for hearing  
22 pursuant to notice before ARTHUR AMCHAN,  
23 Administrative Law Judge, at Federal Building, 200  
24 North High Street, Columbus, Ohio, on January 29th,  
25 2013, at 9:52 a.m.

## 1 A P P E A R A N C E S

2 On Behalf of the General Counsel:

3 Joseph F. Tansino, Esq.

4 NATIONAL LABOR RELATIONS BOARD

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17 (614) 463-4231

18

19 On Behalf of the Charging Party:

20 Mr. Jack Deml

21 UFSPSO

22 Post Office Box 397641

23 Gahanna, OH 43230

24

25

## I N D E X

VOIR

3	WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS	DIRE
4	CHRISTINE BOUQUIN	127	184			152
5		184	216			178
6						
7	WEBSTER LUBEMBA	234	274	302		247
8						
9	JACK DEML	304	307			
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## E X H I B I T S

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2 GENERAL COUNSEL'S

3 EXHIBIT NO.

IDENTIFIED

IN EVIDENCE

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10 RESPONDENT'S

11 EXHIBIT NO.

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1 P R O C E E D I N G S

2 January 29, 2013 2:00 p.m.

3 JUDGE AMCHAN: On the record.

4 MR. TANSINO: Respondent's counsel  
5 and I had a moment to discuss the -- the response to  
6 the -- to the subpoena.

7 I -- I had one question regarding Paragraph  
8 2 of the subpoena, which -- which was copies of  
9 invoices, bills, vouchers, and requests for  
10 reimbursement for all repairs and maintenance  
11 performed on the vehicles at the Respondent's Columbus  
12 facility for the period July 2011 to the present.

13 There -- there were some -- there -- there  
14 are actually a significant stack of -- of documents  
15 that were produced in response to that paragraph  
16 number, but they appear to be what was titled Mid-West  
17 VSD Report. It looked to be an -- an internal record.

18 And Mr. Hult represented to me that that  
19 -- that's how the Company keeps track of its -- its  
20 repairs, and that -- that it doesn't have the -- the  
21 records for the external repairs that were performed  
22 at the Columbus facility during that -- that time.

23 JUDGE AMCHAN: The document that you  
24 have is -- shows what?

25 MR. TANSINO: Well, it's a little --



1 a little hard to figure out. It's a report, I think,  
2 that's -- that's generated internally that kind of  
3 tracks the status of -- of trucks.

4 To -- to the best of my understanding, I  
5 think probably Mr. Hult could explain it better.

6 MR. HULT: Counsel's right. There  
7 are internal documents for internal repair service.  
8 We -- I am certain there's probably some receipts for  
9 invoices from an external vendor here or there that  
10 are out there that we don't know where they are,  
11 whether it's disorganization.

12 What I told counsel earlier was that we're  
13 not going to be disputing that these repairs were  
14 made. So I don't think this will come to a head as an  
15 issue.

16 We're not going to get up there and say  
17 that there was no changes made to these vehicles, or  
18 that no outside vendors ever touched these -- these  
19 trucks.

20 We've looked, as best we could, to  
21 locate every document we have. I'm -- can't tell you  
22 that there's not something hidden out there under a  
23 file folder somewhere. But everything that -- that we  
24 are aware of has been produced in response to that  
25 subpoena.

1 JUDGE AMCHAN: Well, is there an  
2 issue about what -- when the repairs were done? I  
3 mean, is the -- what I gather, the thrust is -- of  
4 their case is that all repairs happened after the  
5 Petition was filed.

6 MR. HULT: Yes. And that -- we will  
7 not concede that -- we will not dispute that point.

8 MR. TANSINO: So I -- yes, aside from  
9 that, I've -- I've -- I've reviewed all -- all of the  
10 documents and I -- I have no other issues to address.  
11 And --

12 JUDGE AMCHAN: Okay. So you're not  
13 going to introduce any additional documents.

14 MR. TANSINO: No, I'm not.

15 JUDGE AMCHAN: Okay. So, the ball's  
16 in Mr. Hult's court.

17 MR. TANSINO: I'll rest, yes. Thank  
18 you.

19 MR. HULT: Respondent will call  
20 Ms. Bouquin now.

21 JUDGE AMCHAN: If you'd raise your  
22 right hand.

23 WHEREUPON,

24 CHRISTINE BOUQUIN,

25 A witness herein, having been first duly cautioned and

1 sworn, was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. HULT:

4 Q. Good morning, Christine.

5 A. Good morning.

6 Q. Would you spell your name for the court  
7 reporter, please?

8 A. First and last?

9 Q. Yes.

10 A. (C-H-R-I-S-T-I-N-E), Bouquin,  
11 (B-O-U-Q-U-I-N).

12 Q. Thanks.

13 THE COURT REPORTER: Excuse me.  
14 Could I have you speak up the next time?

15 THE WITNESS: Yes.

16 JUDGE AMCHAN: Yes, because the  
17 microphone just is a recording device.

18 THE WITNESS: Yes.

19 JUDGE AMCHAN: It doesn't -- it  
20 doesn't amplify.

21 THE WITNESS: Yep.

22 THE COURT REPORTER: Thank you.

23 THE WITNESS: Uh-huh.

24 DIRECT EXAMINATION (CONT'D)

25 BY MR. HULT:

1 Q. What is your job title?

2 A. Director of risk management.

3 Q. And who do you work for?

4 A. Garda.

5 Q. Okay. When were you hired into the  
6 position of director of risk management?

7 A. It was kind of a transition. I was  
8 originally hired as the director of claims. And --

9 Q. When were you hired as the director of  
10 claims?

11 A. The end of May 2012, May, I think that was  
12 a -- I think it was a holiday on Monday, the 28th. I  
13 believe it was the 29th of May.

14 Q. And tell me just a little bit about that  
15 transition to director of risk management.

16 A. When I originally started with Garda, it  
17 was simply to be involved with their claims, insurance  
18 claims, Workers' Comp claims, automobile claims.

19 And during, I would say, the first month of  
20 my employment, maybe three, three weeks, three, four  
21 weeks, there were numerous issues that came up  
22 throughout the Company.

23 And as they did, my boss, Lori Brown,  
24 contacted me on several occasions and said do you  
25 happen to know anything about safety, OSHA. There

1    were -- there were various questions that came up  
2    during that time period.

3                   And my history, prior to coming to Garda  
4    was over a risk management of a -- of a large  
5    organization, and it involved more than claims.

6                   So as these questions sprinkled in during  
7    the first few weeks, my position kind of morphed into  
8    more than -- more than just claims.

9                   They're -- we're kind of a decentralized  
10   organization, meaning we're spread out, actually a  
11   global -- globally.

12                  But our US division is -- we have numerous  
13   offices throughout the country. And we have various  
14   members of management, operational management in  
15   California, versus Florida.

16                  So when I was originally hired, my boss was  
17   still, herself, kind of in a -- in a learning pattern  
18   as it related to risk.

19                  And then during my -- the first phase of my  
20   employment, I would say, we kind of uncovered or  
21   turned over a lot -- a lot of stones trying to find,  
22   you know, who are the resources within the  
23   organization who have historically overseen risk.

24                  And there were -- there were a lot of  
25   opportunities that -- that we found during that time

1 period. So then the -- the director of risk  
2 management position was -- was born as a result of  
3 that.

4 JUDGE AMCHAN: Well, what's Ms.  
5 Brown's title?

6 THE WITNESS: She is chief -- chief  
7 legal counsel and head of Human Resources, I believe  
8 is her -- is the official title on her business card.

9 JUDGE AMCHAN: Are you both based in  
10 Florida?

11 THE WITNESS: Yes.

12 JUDGE AMCHAN: Where in Florida?

13 THE WITNESS: Our corporate office is  
14 in Boca.

15 JUDGE AMCHAN: Uh-huh.

16 THE WITNESS: Boca Raton, Florida. I  
17 work partially from Boca. And then I also have an  
18 office on the -- on the other coast of Florida just  
19 south of Tampa.

20 DIRECT EXAMINATION (CONT'D)

21 BY MR. HULT:

22 Q. How many facilities similar to -- to what  
23 we've been talking about in Columbus does Garda have  
24 in the United States?

25 A. Over 200. The most recent number that I

1 have heard to be -- to be specific is around 220-ish.

2 Q. And how would you describe what Garda does,  
3 what -- what the business is?

4 A. Well, we have different business divisions  
5 or units. We've have Garda World, Garda -- you know,  
6 there's numerous corporations. The -- the one in the  
7 -- in the US that is most prevalent is Cash Logistics,  
8 is what it's called.

9 But for the layperson or -- or -- who may  
10 not know what that is, it's money transportation,  
11 armored -- the armored vehicle division.

12 Q. Great. These armored trucks, just can you  
13 give a brief description of how the standard truck is  
14 designed, what its layout is?

15 A. Well, from what I understand, and again, I  
16 haven't been everywhere in -- in the country, but I've  
17 learned a lot over the last six months. And there are  
18 different truck models. I have witnesses, or I've  
19 seen different models.

20 But the general layout is there's a front  
21 cab area where the driver is at. And the back area of  
22 the truck is -- it's more like a vault on wheels, is  
23 how I would describe it.

24 With the vehicles that I have seen, the --  
25 the wall or the area in between the driver and the --

1 the back area either has a -- a door or an opening.

2 I've heard that some of them are closed off  
3 from one another. I haven't actually seen one that is  
4 closed off, however.

5 Q. Do -- do these trucks have air  
6 conditioning?

7 A. Yes.

8 Q. In July and August of 2012, who was the  
9 branch manager at the Columbus facility?

10 A. Scott Jacks.

11 Q. Were there any senior management, or anyone  
12 above Mr. Jacks that was based out of Columbus?

13 A. I am told that -- well, and actually, no, I  
14 -- I know this, because when I visited, I saw his  
15 office. But I believe Mr. Deml was there.

16 But aside from that, I don't recall seeing  
17 anyone in senior management. And I don't know what  
18 his title was, sorry. So I -- I don't know if he was  
19 considered senior management or not.

20 JUDGE AMCHAN: I'm sorry, Mr. Deml  
21 was an employee of Garda?

22 THE WITNESS: yes.

23 JUDGE AMCHAN: Didn't know that.

24 DIRECT EXAMINATION (CONT'D)

25 BY MR. HULT:



1           Q.       If one of these trucks breaks down or has a  
2 mechanical issue, or an issue with the air  
3 conditioning, or some other problem, in Columbus, what  
4 is the procedure to get that repaired?

5           A.       Well, I think it depends on who you ask.  
6 And that was one of the -- the interesting things that  
7 -- that -- interesting and definitely unfortunate.

8                   But interesting for -- for me, because I  
9 feel like my involvement with that branch really  
10 provided me with a big opportunity to fix some of the  
11 problems in -- in the organization.

12                   So let me digress a little bit. As far as  
13 the process, I've heard from folks who should know the  
14 process, Mr. Jacks, I received information from him  
15 and heard about some of the challenges with the -- the  
16 vehicles.

17                   So part of what I do is I follow bread  
18 crumbs and I just ask questions. And I try to find  
19 where problems lie, from a risk -- risk management  
20 claims, you know, where can I improve things, as far  
21 as our loss ratio, our regulatory compliance, yadda-  
22 yadda.

23                   So in Columbus, when I -- it was one of the  
24 first branches that I became involved in, and I  
25 learned of the challenges that they were having with

1 their vehicles. The percentages --

2 Q. Are there -- are there any on-site  
3 mechanics based in Columbus --

4 A. No.

5 Q. -- that work for Garda?

6 A. No.

7 Q. So if an issue arises with a truck, who  
8 fixes it?

9 A. It depends, yeah. So we mentioned  
10 yesterday the driver logs, or I think it was referred  
11 to, also, as the DVIR, that's what I call it, the  
12 driver -- or, I'm sorry, the Daily Vehicle Inspection  
13 Report.

14 It's a -- it's a DOT requirement. And  
15 after each route or trip every day when a truck comes  
16 back in, the driver is required to complete this log  
17 every day.

18 And like it was described yesterday, it's a  
19 three-part form. It's carbonless, but you -- you push  
20 through and it goes to the -- the copies underneath.

21 And then what I know now that I didn't know  
22 then, so I guess it depends on when you're asking the  
23 question.

24 But what I know now is that how this  
25 process is managed, it varies by location within

1 Garda. And that, I think, has -- that occurs for a  
2 number of different of reasons. We've had quite a few  
3 acquisitions.

4 Our Company philosophy is an  
5 entrepreneurial one. So I don't know if this is --  
6 this is why I believe I see a difference in the  
7 process.

8 But, so the driver fills out that form.  
9 They take apart the copies. In some branches we have  
10 on-site mechanics. And the form may go to the lead  
11 mechanic. In some branches, like in Columbus, my  
12 understanding is that it went to either Terry or -- or  
13 Scott.

14 But if we're speaking of just Columbus, the  
15 information that's on this handwritten form, Mr. Jacks  
16 was then keypunching it into a spreadsheet.

17 And then he sent it to, I think they have a  
18 regional or, I'm sorry, at the time had a regional, I  
19 don't want to call it a manager, but a designate  
20 within our VSD division. VSD is Vehicle Services  
21 Division.

22 Q. What does VSD do?

23 A. VSD is the side of our -- or our Company  
24 that is over, or in charge of the fleet, maintenance,  
25 everything fleet-related.

1 Q. Are they mechanics?

2 A. Yes.

3 Q. Okay. Does VSD have a relationship, or did  
4 it have a relationship in the summer of 2012 with the  
5 Columbus facility?

6 A. Yes.

7 Q. So if a -- a vehicle broke down, would VSD  
8 be involved in Columbus?

9 A. Not always. And this was something that --  
10 you know, this is part of the bread crumbs that I --  
11 bread crumb trail that I followed during this time in  
12 Columbus.

13 So after I learned of the challenges, some  
14 of the challenges that they were experiencing with the  
15 fleet, I got in contact with Paul Doritas, with our  
16 VSD Division, he's, from what I understand, the second  
17 in command, and wanted to find out why.

18 Because, to me, this was unacceptable. And  
19 what I was hearing is that, you know, these people had  
20 been without air conditioning --

21 Q. Well, let's go back.

22 A. Okay.

23 Q. Just with respect to Columbus, if a truck  
24 breaks down --

25 A. Yes.

1 Q. -- in the summer of 2012.

2 A. Uh-huh.

3 Q. Would VSD be contacted?

4 A. Via this process.

5 Q. Yes.

6 A. Yes.

7 JUDGE AMCHAN: It would be a computer  
8 entry. Somebody would make a computer entry that was  
9 accessible to somebody at VSD.

10 THE WITNESS: Yeah. But when I --  
11 when I followed the process, it was broken. So they  
12 were taking the information on the paper and  
13 keypunching it.

14 JUDGE AMCHAN: Yes.

15 THE WITNESS: And when I spoke with  
16 Mr. Jacks he, you know, said I keep putting the  
17 information on the form and I send it over, I e-mail  
18 it every day.

19 And when I talk to VSD, he said I'm looking  
20 at the form right now, there's nothing noted on the  
21 form. And I said, well, send me what you have, you  
22 send me what you have, and literally, this is what I  
23 did, because I wanted to understand the process.

24 So, long -- to sum it up, in Columbus what  
25 was happening is Mr. Jacks had kind of created an --

1 a, what do you call it, a maintenance log, but then an  
2 out of service log.

3 He -- and I don't know if he took it upon  
4 himself, or maybe this is done in other -- I don't  
5 know, but this is what I saw there.

6 He was taking the information off of the  
7 form and putting it on to two spreadsheets. And only  
8 one of them, the out of service log, meaning these  
9 trucks are completely out of service and not drivable,  
10 that one was making its way to VSD. This other one  
11 with just non-out of service issues was not making its  
12 way to VSD.

13 One of the other challenges that I saw with  
14 this process is, it's a carbonless form. You know,  
15 you're relying on are people pushing hard enough, what  
16 is their handwriting like.

17 Some of the -- I recently made a proposal  
18 to senior management that I wanted to move away from  
19 this entirely, because it's -- it's kind of like the  
20 telephone game when you're in elementary school where,  
21 you know, I whisper something to you, and you whisper  
22 it and, you know, by the time it comes back to me, it  
23 looks completely different than how it started out.  
24 In simple terms, that's what -- what is happening with  
25 these forms.

1           So, I just got approval a couple of weeks  
2 ago, we're going to be testing out, instead of paper,  
3 we're using a tablet.

4           So when the drivers come in off of their  
5 route, instead of paper, you know, depending upon --  
6 you know, relying on their handwriting being legible,  
7 they would just tap it on a -- on a tablet. It would  
8 automatically go into the system and --

9           JUDGE AMCHAN: Okay. I think we  
10 should try to stick to what --

11          THE WITNESS: Yeah.

12          JUDGE AMCHAN: -- happened last  
13 summer --

14          THE WITNESS: Yes.

15          JUDGE AMCHAN: -- which is really  
16 what -- what I'm here for.

17          THE WITNESS: Yes.

18                       DIRECT EXAMINATION (CONT'D)

19 BY MR. HULT:

20       Q.       Does your position have some connection to  
21 worker safety, regulatory systems, or regulatory  
22 agencies in this country?

23       A.       Yes.

24       Q.       Do you communicate with some of these  
25 Federal or State agencies when there are alleged

1    infractions of some of these regulatory systems?

2           A.       Yes.

3           Q.       What -- can you give me examples of a  
4   couple of these regulatory agencies that you interact  
5   with?

6           A.       And it's not just infractions. But, yes,  
7   as to infractions, but some of it is just routine.

8                   Each state's Workers' Compensation Board we  
9   interact with quite a bit. The Environmental  
10  Protection Agency, OSHA, Department of Transportation.

11          Q.       What is your goal with respect to these  
12  regulatory agencies, or regulatory matters?

13          A.       Compliance is my number one goal.

14          Q.       Okay. So if -- if -- for -- by way of  
15  example, as a director of risk management, if you  
16  learn of an OSHA violation, what -- what does your  
17  require of you?

18          A.       Say that again.

19          Q.       If you, by -- in your current job role as  
20  director of risk management are -- are made privy to  
21  or learn of an -- an OSHA infraction at a facility --

22          A.       Uh-huh.

23          Q.       -- what is your -- what are your job  
24  responsibilities?

25                   JUDGE AMCHAN: I want to ask for you



1 to clarify that question. You have the misfortune of  
2 having a judge that once worked in OSHA enforcement,  
3 so I do --

4 MR. HULT: Oh, boy.

5 JUDGE AMCHAN: -- I do remember a  
6 bit. It's been a while. But are you asking her, when  
7 you say OSHA infraction, she -- she could be -- we  
8 have two situations: one where she could be aware of  
9 a situation that's not complied with OSHA Regs that  
10 OSHA doesn't know about --

11 MR. HULT: That's what I mean.

12 THE WITNESS: Right.

13 JUDGE AMCHAN: -- as opposed to you  
14 have an inspection and you get a citation.

15 MR. HULT: Pre-inspections. I'll --  
16 I'll -- I'll re-ask it.

17 JUDGE AMCHAN: Okay.

18 DIRECT EXAMINATION (CONT'D)

19 BY MR. HULT:

20 Q. If -- if you are made aware of -- of an  
21 issue that could potentially be an OSHA infraction --

22 JUDGE AMCHAN: Yes.

23 Q. -- as director of risk management, what are  
24 your job responsibilities?

25 A. Well, I -- I -- for me, it boils down to

1 compliance. And if I am notified of an -- or if I  
2 receive an allegation from OSHA, or if I witness  
3 something personally, or learned of something within  
4 the organization, I would say I always go about it the  
5 same. I -- I gather information, I research it, I --  
6 to ensure compliance.

7 Q. Does -- does your job require that you go  
8 on site to some of Garda's facilities in the United  
9 States at times?

10 A. Yes.

11 Q. How often would you say you -- you end up  
12 on -- on site at one of these facilities?

13 A. I would say -- you know, it -- it depends  
14 on the need and -- and what is occurring out in the  
15 field. It also depends on what resources I have. But  
16 me, personally, I would say once to twice a month.

17 Q. About how often, or how long would you say  
18 these -- these on site trips are for you?

19 A. They have average one to three days.

20 Q. So let's -- let's move to June of 2012 when  
21 you're in the director of risk management position. I  
22 know you spoke sort of briefly about this.

23 But what, if any, were sort of the -- the  
24 major risk management issues facing the Company at  
25 that time?

1           A.       If I am answering it from the perspective  
2 of when I first moved into the position, I don't think  
3 we really knew what the -- what the issues were at  
4 that time. You know, I -- the first 30 to 60 days of  
5 my -- my being in that position was --

6           Q.       Did you learn of any --

7           A.       Yes.

8           Q.       -- risk management issues facing the  
9 Company in the summer of 2012?

10          A.       Yes.

11          Q.       Can you elaborate?

12          A.       Yeah. We -- I mean, as -- as it relates to  
13 why we're here today, heat was -- heat and hydration,  
14 and that -- that was a big thing in the summer,  
15 probably the biggest.

16          Q.       Briefly describe for us what sort of --  
17 from your position as risk -- director of risk  
18 management, what heat-related problems you observed or  
19 learned of, at least early on in -- in the summer of  
20 2012.

21          A.       Yeah. There were -- you know, and -- and  
22 back then I -- there -- there was no specific process,  
23 necessarily, to learn of these issues.

24                    It -- I was copied on, or made aware of  
25 numerous things happening throughout the country at

1 different branches, such as OSHA-related heat -- heat  
2 complaints, air -- air conditioning complaints,  
3 hydration complaints.

4 We had some Workers' Comp claims that  
5 involved heat exhaustion and hospitalization. What  
6 else? Employee morale issues.

7 Again, it's all -- it was all regarding  
8 heat and the condition of vehicles, and -- I don't  
9 know if that's --

10 Q. I'm going to hand you something.

11 A. Okay.

12 Q. Do you recognize this document that I've  
13 just handed you, Christine?

14 A. I do, yes.

15 Q. I'm going to direct you to the middle of  
16 this document.

17 JUDGE AMCHAN: Are you going to  
18 introduce this?

19 MR. HULT: Yes.

20 JUDGE AMCHAN: Why don't we mark it  
21 as Exhibit R1 so we know what we're talking about.

22 (Whereupon, Respondent's Exhibit Number 1  
23 was marked for identification.)

24 DIRECT EXAMINATION (CONT'D)

25 BY MR. HULT:

1           Q.       What is this document, in particular, the  
2 section in the middle?

3           A.       It is an e-mail from me to various members  
4 of senior management regarding -- regarding the --  
5 some of the heat topics that were being discussed at  
6 that time.

7           Q.       What are you describing in this e-mail?

8           A.       I am describing what was brought to my  
9 attention, that we may be experiencing an influx of  
10 heat-related OSHA complaints.

11                   I wanted to let them, "them," meaning the  
12 members of senior management, I wanted them to be  
13 aware that it was on my radar, and that corporate  
14 efforts, meaning me, were underway to evaluate -- to  
15 go through that process of, you know, I -- I'm -- I'm  
16 learning of a potential problem, and I'm evaluating,  
17 gathering information so I can make recommendations on  
18 remedies.

19                   And just kind of letting them know that,  
20 you know, there's more to follow on this, but that  
21 it's on my radar.

22           Q.       Well, you said you learned of heat-related  
23 issues there in your last sentence. When -- when, to  
24 the best of your knowledge, was the first time you  
25 learned about what you've just described?

1           A.       I would say it was probably about three  
2 weeks after I was hired, maybe two weeks. You know,  
3 it was -- because it was trickling in from various  
4 places throughout the organization.

5                    So it's kind of hard for me to date stamp  
6 the very first time that I learned of it. I -- my  
7 estimate would be two to three weeks, maybe, after I  
8 started.

9           Q.       What month and -- was that to the best of  
10 your knowledge?

11          A.       So June. Well, this e-mail, June 28th,  
12 said that less than a week ago it was brought to my  
13 attention. So I would estimate maybe the third week  
14 in June.

15          Q.       Okay. What -- what is the -- what steps, I  
16 guess, did you take, if any, after you learned of  
17 these potential heat issues in June 2012?

18          A.       What steps did I take?

19          Q.       To resolve the issue.

20          A.       Well, I wish it were that easy to -- to  
21 resolve it. It's -- as I -- let's see. It's an  
22 ongoing process. Back when I drafted this, Webster  
23 and I started to have dialogue on the situation.

24                    I made a trip to a local branch in my area,  
25 because I -- you know, I'm hearing this by e-mail and

1 by phone but, you know, I hadn't -- or our office in  
2 Boca doesn't have vehicles, so I made a trip to one  
3 that was close to me, because I wanted to see and, you  
4 know, hands on.

5 I began researching various tools --  
6 various ideas, you know, on -- on how to combat the  
7 heat issue.

8 Q. What type of ideas did you come up with, if  
9 any?

10 A. I mean, there were some things that were  
11 discussed, but not really -- it didn't go too much  
12 further. But, based on the -- the claim that  
13 happened, I think it was in New England, where the  
14 gentleman was hospitalized. I had talked to him to  
15 learn about, you know, how -- how did it get to this  
16 point.

17 And, his AC went out when he was on route.  
18 So one of the things that I looked at were ice packs,  
19 because they could be hundreds of miles away from the  
20 branch.

21 And if something happens, they can bring  
22 their, you know, body temperature down by temporary --  
23 this isn't a permanent fix, obviously, but by  
24 temporarily applying ice packs under their arms, and  
25 on the back of their necks.

1                   So ice packs. I recall looking at  
2 different -- there was a -- a bracket system that we  
3 had talked about, and installed in -- in some trucks  
4 to hold five gallon water coolers.

5                   We talked about -- there were -- there were  
6 a couple of companies out there that offered cooling  
7 vests and cooling things that -- that you put on  
8 seats.

9                   So, for example, if you're a driver, we  
10 entertained the idea of this cooling mat or unit that  
11 goes on the seat.

12           Q.       So these were meet mitigation ideas?

13           A.       Correct. So there were a lot of things.

14                   JUDGE AMCHAN: You said something,  
15 you talked to -- you -- I gather you talked to an  
16 employee who had been hospitalized for heat  
17 prostration?

18                   THE WITNESS: Uh-huh. I did.

19                   JUDGE AMCHAN: Do you --

20                   THE WITNESS: Part of --

21                   JUDGE AMCHAN: -- do you recall when  
22 that was?

23                   THE WITNESS: I don't know the exact  
24 date. I want to say it was June --

25                   JUDGE AMCHAN: But --



1 THE WITNESS: -- it'd be late June,  
2 early July.

3 JUDGE AMCHAN: Do you know whether it  
4 was before or after you sent this e-mail?

5 THE WITNESS: I don't. I don't know.  
6 But, yeah, part of what my department does is -- are  
7 that employees who are injured on the job, we help  
8 them through the process of their claim, so -- and  
9 then this one just tied into this bigger issue, so I  
10 wanted to speak with him.

11 DIRECT EXAMINATION (CONT'D)

12 BY MR. HULT:

13 Q. Did your issues you discussed and -- and  
14 you began to sort through some of these heat issues,  
15 did you discuss training of employees at all?

16

17 A. It was something that -- yes, that I was  
18 becoming more familiar with. In the organization we  
19 have a -- a separate department within the Company  
20 that handles training.

21 So, yes, that was something that I looked  
22 at, as well, as far as what training do they receive  
23 on heat-related, hydration, and if we had an  
24 opportunity maybe to improve it.

25 You know, I -- I was really looking -- it

1 was something that I viewed within the organization.

2 It -- it was an opportunity for improvement.

3 Q. So as this pilot program unfolded in the  
4 summer of 2012, did you make a determination, at any  
5 point, to visit any facilities?

6 A. Not initially. But, for example, as this  
7 unfolded, there was -- you know, when you consider how  
8 large of an organization we are and, you know, at this  
9 time I'm hearing of, you all these issues coming in  
10 from across the country.

11 And it's kind of like the -- the -- the --  
12 we're a little bit like the Titanic in that, you know,  
13 when you -- when you make an adjustment, it takes  
14 quite a bit of effort to move the whole company in a  
15 direction.

16 So prior to doing that, that was the reason  
17 for the pilot, was to select a handful of branches and  
18 test what worked, what didn't work.

19 You know, we had a lot of ideas that we  
20 were kind of throwing against the wall, but I wanted  
21 to find out what worked.

22 Q. So you -- just briefly describe, then, what  
23 the -- the purpose of the pilot was, then.

24 A. Well, just that it -- it was to take a -- a  
25 smaller group of our branch offices and begin

1 analyzing the -- the issues that they may be  
2 experiencing, as far as heat, and then testing the  
3 various remedies that -- that we were considering.

4 The -- oh, one thing that came to mind was,  
5 I think they mentioned it yesterday, was installing of  
6 the like aftermarket air conditioning units on the  
7 truck -- trucks.

8 Q. So you were going to use the pilot, then,  
9 as a test?

10 A. Yes.

11 Q. Okay. Do you remember, ultimately, how  
12 many branches were included in this pilot?

13 A. On the -- I think on the -- on the e-mail  
14 that you have, I think it's six or seven.

15 Q. Was Columbus one of these branches?

16 A. Yes.

17 Q. When -- well --

18 JUDGE AMCHAN: Off the record.

19 (Off the record.)

20 JUDGE AMCHAN: Back on the record. I  
21 don't -- I don't think you moved for admission of  
22 Respondent's Exhibit 1. Did you want to?

23 MR. TIMOTHY FADEL: I do. I'm -- I'm  
24 sorry. I apologize. I move to admit the June 28th  
25 e-mail from Ms. Bouquin to Webster Lumbemba,

1 Respondent Exhibit 1.

2 MR. TANSINO: I have a couple  
3 questions on voir dire.

4 JUDGE AMCHAN: Okay.

5 VOIR EXAMINATION

6 BY MR. TANSINO:

7 Q. The -- the time stamp on this e-mail is  
8 Thursday, June 28th, 2012 at twelve forty a.m. Was  
9 that the time that you sent the e-mail?

10 A. Yes.

11 Q. Okay. And I think Vince Modarelli has  
12 already been identified as -- for the record. But,  
13 could -- could you tell me, if you know, what his job  
14 title is?

15 A. I believe his official title is senior vice  
16 president, or executive vice president of the Northern  
17 US Region.

18 Q. John Fitzgerald?

19 A. Is that a question?

20 Q. Yes. I'm sorry.

21 A. Oh.

22 Q. So, what's his title?

23 JUDGE AMCHAN: Who is -- well, it'd  
24 be like --

25 Q. That's going to be my question for everyone

1 on that line.

2 A. Oh, okay. John Fitzgerald, I should know  
3 this. I don't have much interaction with him. I  
4 don't recall what his title is.

5 Q. Does he -- he works for Garda.

6 A. Yes.

7 Q. Okay.

8 A. Yes.

9 Q. And he's in -- he's in management?

10 A. I believe so.

11 Q. Steve Morss?

12 A. Yes. He's Vince's counterpart, I would  
13 say, in - in the North -- North -- or the US is kind  
14 of, in our organization, is broken into the North and  
15 South.

16 And we have two executive vice presidents  
17 over each one. Or, I'm sorry, Vincent and Steve are  
18 over the North. And then there's two other  
19 individuals over the South.

20 Q. And is Robert Larmore -- Larmore?

21 A. I believe he is a branch manager, or senior  
22 manager. He could be over more than one branch, but I  
23 -- I don't know.

24 Q. And we know -- I think the others on the  
25 courtesy copy line have already been identified for

1 the record.

2 The subject has "FW OSHA Heat-Related  
3 Topic." Was there an e-mail that was forwarded to  
4 you?

5 A. It must have been.

6 Q. Okay. And this -- this document has a Page  
7 1 on the bottom. Do you think that there's a second  
8 page to this?

9 A. I'm assuming so. There could be two,  
10 because I forward everything, so there could be more  
11 than two, even.

12 Q. Okay. But that's not attached to -- to  
13 what you have? That -- you don't have --

14 A. I have one.

15 Q. -- but you don't have the second page.

16 A. I have just the first page here.

17 Q. Okay.

18 A. This is another one that he was going to  
19 speak on next, I think.

20 MR. TANSINO: I -- I would object to  
21 the admission of the document in its -- in the -- in  
22 this form. There's a -- I think that there is, in  
23 fact, a second page.

24 JUDGE AMCHAN: It -- it does seem to  
25 me that it's not complete, because it -- the third

1 paragraph says, "Considerations are being made for  
2 certain branches, such as the ones listed in this  
3 e-mail."

4 It's the third -- third paragraph, the  
5 third -- maybe the fourth paragraph, it depends from  
6 where you count.

7 THE WITNESS: Where it starts,  
8 "Webster is engaged"?

9 JUDGE AMCHAN: Yes. If -- and then  
10 you look down, it says, "Considerations are being made  
11 that," there seems to be something else.

12 THE WITNESS: Uh-huh. Yep. Maybe  
13 there's another page -- I'm sure there's another page,  
14 if it says --

15 JUDGE AMCHAN: Well, why don't we go  
16 off the record for a second.

17 (Off the record.)

18 JUDGE AMCHAN: Back on the record.  
19 Here's --

20 MR. HULT: Our only purpose -- oh,  
21 sorry, are we off the record, or on the record?

22 JUDGE AMCHAN: No, we just went back  
23 on.

24 MR. HULT: Oh, sorry.

25 JUDGE AMCHAN: My way of splitting

1 the baby would be to admit it conditionally with you  
2 finding the rest of the document and supplementing the  
3 record.

4 I really do think you need to have the --  
5 the complete document, because it makes some  
6 reference, and it may well be relevant whether  
7 Columbus is mentioned in this e-mail or not and what  
8 precipitated it.

9 So I'll receive it conditionally on -- with  
10 the condition that you supplement the record with  
11 whatever was -- what else -- what -- what was --

12 MR. HULT: What followed, or what was  
13 before?

14 JUDGE AMCHAN: Yes. Before or after.  
15 A complete document, is what I want.

16 (Whereupon, Respondent's Exhibit Number 1  
17 was received into evidence.)

18 JUDGE AMCHAN: Did you have any more  
19 voir dire questions, Mr. Tansino?

20 VOIR DIRE EXAMINATION (CONT'D)

21 BY MR. TANSINO:

22 Q. Do you remember what was in the -- the  
23 other page?

24 A. I don't.

25 Q. Okay.



1 A. I don't. I know --

2 Q. Well --

3 A. -- it starts out by saying to provide  
4 additional information as to the topic at hand. So  
5 I'm assuming --

6 Q. Well, don't assume, it's all right.

7 A. Okay.

8 Q. You know, that's -- I don't have any more  
9 --

10 A. Okay.

11 Q. -- questions about this document, at this  
12 time.

13 A. And regarding the weird time, I work kind  
14 of late --

15 Q. Yes, that's what -- yes.

16 A. -- and I have a baby, and so sometimes I'm  
17 up at weird hours of the night.

18 DIRECT EXAMINATION (CONT'D)

19 BY MR. HULT:

20 Q. I'm giving you the first couple pages of  
21 what the court reporter gave me, the full -- full part  
22 has --

23 A. Uh-huh.

24 Q. -- already been marked and admitted as  
25 General Counsel's Exhibit 4.

1 A. Uh-huh.

2 Q. You were speaking about this pilot program.

3 A. Uh-huh.

4 Q. Can you tell me, or do you -- do you  
5 recognize this document?

6 A. I do.

7 Q. Can you tell me what this document is?

8 A. It --

9 Q. Let's start with the first two pages of the  
10 document, please.

11 A. Okay. The first two pages is talking about  
12 -- it's kind of giving everybody an update on where we  
13 stand.

14 Q. Where we stand on what?

15 A. On the pilot, and the heat.

16 Q. What are those -- what is that list of  
17 seven facilities that appears under project cool, the  
18 section of the document project cool?

19 A. Columbus, Edison, Fairfield, Stratford,  
20 Wilmington, Needham, and Phoenix.

21 Q. Right. What does that represent? Why are  
22 those seven facilities listed?

23 A. These are the branches that we were going  
24 to use as the test group of branches.

25 Q. Why those seven facilities?

1           A.       For -- for different reasons. You know,  
2 when we chose the branches, I wanted to have a good  
3 sampling, not -- you know, not just in one region.

4                   The -- well, like it says in the e-mail,  
5 they're selected due to many factors. Some of them we  
6 had were Comp claims, the heat exhaustion claims, the  
7 employee complaints which, you know, led to some of  
8 the union activity which, you know, some of them made  
9 their complaints through OSHA.

10          Q.       Why is Columbus listed as number one?

11          A.       They had -- you know, I mean, I -- it's --  
12 you know that saying the -- the squeaky wheel is the  
13 one that gets the grease, or what -- what have you.

14                 There may have been other branches in the  
15 country that -- that had a -- additional or more  
16 issues. But I can't really be everywhere at -- at  
17 once.

18                 So I know that in Columbus my concern was  
19 the number of vehicles, as a percentage, to the fleet  
20 that had problems.

21          Q.       Can you elaborate a little bit, please?

22          A.       Yeah. If memory serves me right, I believe  
23 there were at least seven trucks. I -- I recall that  
24 the percentage in Columbus was 40, 50 percent of the  
25 total fleet was without AC. Or they may have AC, but

1 they may have circulation issues.

2 Q. Well, you said 40 to 50 percent. Was that  
3 an inordinately high number?

4 A. Yes. Very much so.

5 Q. Was there any facility that you were aware  
6 of that had a higher percentage of -- of trucks with  
7 AC or cooling issues?

8 A. No. No. That was -- it was, by far, the  
9 highest, that I was aware of.

10 Q. Why were these -- this, in Columbus, in  
11 particular, obviously, why, to the extent that you  
12 know, were there such a high percentage of -- of  
13 trucks with failing cooling systems that were still on  
14 the road?

15 A. I didn't really know. I didn't know at the  
16 beginning. I was told that -- that Mr. -- it was --  
17 it's kind of ironic how it came about.

18 But I -- I was told that Mr. Jacks would be  
19 a tremendous resource for me to conduct this -- you  
20 know, to evaluate and gather information, and to, you  
21 know, learn what's broken.

22 And -- and when I originally had contact  
23 with -- with him, he had described some local efforts  
24 that he had made, meeting the drivers after their  
25 routes with washcloths that he was keeping in the

1 freezer, or meeting them and giving them bottled  
2 water.

3 And -- and in my conversation with him, he  
4 -- he just kind of seemed, like he was just like kind  
5 of throwing his hands up, I don't know what else to  
6 do.

7 I know, he -- he didn't really give me --  
8 or there weren't many bread crumbs for me to follow.

9 Q. And from that conversation were you able to  
10 gather why there was such a high percentage of -- of  
11 trucks in Columbus with issues?

12 A. Not initially. It took the conversation  
13 that I had with him and -- and then the one that I had  
14 with Paul, and then getting --

15 JUDGE AMCHAN: Paul is who?

16 THE WITNESS: Paul Doritas from VSD,  
17 our Vehicle Services Division.

18 It really took me getting the DVIR forms,  
19 getting Mr. Jacks' spreadsheet and his e-mails, and  
20 then getting the information that VSD was given to  
21 compile it all together to find out where the  
22 breakdown was occurred.

23 DIRECT EXAMINATION (CONT'D)

24 BY MR. HULT:

25 Q. This -- this e-mail under the Columbus

1 pilot launch, the second sentence says, "After an  
2 informative conference call you identified seven  
3 trucks with cooling units that need repaired."

4 Is that what you've been discussing?

5 A. Uh-huh.

6 Q. Did you have knowledge that there were  
7 seven trucks with cooling units that needed -- that  
8 needed repair before this conference call that you  
9 mentioned in that sentence?

10 A. Uh-huh.

11 Q. When was the first time you had knowledge  
12 that there were seven trucks in Columbus with cooling  
13 units that needed repair?

14 A. It was the week prior to my arrival in  
15 Columbus.

16 Q. And when was your arrival in Columbus, just  
17 briefly?

18 A. August 7th.

19 Q. So about a week prior to that was the first  
20 you learned of these truck issues in Columbus?

21 A. Yes.

22 Q. A couple more things about this e-mail.  
23 First, you mentioned briefly that in the first section  
24 under project cool --

25 A. Uh-huh.

1 Q. -- it says, "These branches were selected  
2 due to many factors," and you have a list. One of  
3 those selections in that list says OSHA and union  
4 activity.

5 A. Uh-huh.

6 Q. Did you go to Columbus, or were you sent to  
7 Columbus because there was union activity at the  
8 facility?

9 A. No.

10 Q. Then why is that phrase in there?

11 A. That kind of goes along with the -- the --  
12 you know, they go hand-in-hand. If employee  
13 complaints, union activity, OSHA complaints, the --  
14 for example, the people who are complaining to OSHA  
15 are not the general public or our customers, they're  
16 our employees.

17 And, so, I mean, I -- they go hand-in-hand,  
18 kind of. I don't know if --

19 Q. Did -- did your position as director of  
20 risk management, do you participate in the Company's  
21 activities at facilities during a union election  
22 campaign?

23 A. I do not.

24 Q. Do you -- yesterday, some of the  
25 individuals who testified spoke about their

1 interactions or -- or speeches from Ivelices.

2 A. Uh-huh.

3 Q. Did you participate in those meetings or  
4 those speeches with Ms. Lunares, with Ivelices?

5 A. No.

6 Q. Do you consider yourself to be part of the  
7 labor relations team?

8 A. No. No, we're -- we're separate. And,  
9 actually, I mean, this process, for me, has been kind  
10 of a -- an eye-opening one.

11 Q. Do you care if, or does it affect the way  
12 you approach -- well, do you care -- does it matter to  
13 you, when you're doing a risk management analysis,  
14 whether a facility is unionized or not?

15 A. No. No. The only caveat to that would be  
16 I understand that there are some agreements that if  
17 something were to -- like one of the things that we  
18 were considering was shorts, for example.

19 And I know that the branches that have  
20 unions, the agreement dictates the, not necessarily  
21 operations, but how we interact with the employees and  
22 -- and what have you. So --

23 Q. Last couple questions about this e-mail.  
24 The pilot program, it's roll-out on these seven  
25 facilities.



1           Before you made your first visit to these  
2 facilities, what was ultimately the determination  
3 about what the pilot program would include? If you'd  
4 briefly explain.

5           A.       Before -- say that again, before I --

6           Q.       So, at the -- at the -- when you sent this  
7 e-mail --

8           A.       Uh-huh.

9           Q.       -- on August 5th, but before you actually  
10 showed up to any of these facilities --

11          A.       Uh-huh.

12          Q.       -- how did you envision this pilot program  
13 unfolding as you were going on site?

14          A.       And, again, not all of them we were  
15 planning on going on site. But, I envisioned that all  
16 the things that the cooling efforts, and -- and the  
17 hydration efforts, ideas, I envisioned that we would  
18 test all or some at the various locations that we  
19 would poll the employees, or gauge -- poll and/or  
20 gauge the -- the issues at those branches.

21                 So, for example, are we seeing a -- a  
22 reduction in, or a stabilizing in regulatory  
23 complaints, are we seeing a reduction in claims, are  
24 we seeing a reduction in employee morale issues,  
25 vehicles being out of service.

1 Q. Did you ultimately travel to Columbus,  
2 then, as part of this pilot program?

3 A. Yes. Yes.

4 Q. Do you remember what day you first arrived?

5 A. I believe it was very late in the evening.  
6 My plane got in really late on Monday, I believe, the  
7 6th.

8 Q. What did you see when you first arrived in  
9 Columbus?

10 A. In the city of Columbus, or --

11 Q. I'm sorry. At the facility in Columbus.

12 A. It was -- I mean, when I pulled up, it was  
13 just a regular office building. Inside was kind of a  
14 different story.

15 Q. Would you elaborate?

16 A. I -- the employees were exactly right. I  
17 mean, it was disgusting. It was -- it was --

18 Q. What were some of the problem areas?

19 A. It was really everywhere. It was  
20 everywhere. Like what I thought was this much of an  
21 issue, it was -- everywhere that I turned there wasn't  
22 -- there -- it was -- there was a problem, it  
23 mushroomed.

24 My travel, for example, I -- it was  
25 supposed to be an in-and-out trip, day. You know, go

1 in, leave the same day.

2 And I was about halfway through the day on  
3 Tuesday, and I called my boss and said we have a big  
4 problem here, and I don't feel comfortable leaving.

5 This is not something that -- I mean, it --  
6 it was just obvious that there was -- there was no  
7 attention being given anywhere in the facility with  
8 the trucks, with the -- I mean, there were just so  
9 many issues.

10 So I got permission to stay another day,  
11 and to -- you know, I don't know if that answers --

12 Q. Were there -- were there problems that you  
13 saw in the garage where the trucks were stored?

14 A. Yes.

15 Q. Will you describe those?

16 A. It was -- I mean, it was just disgusting.  
17 I mean, they -- they -- the employees were right  
18 yesterday.

19 They -- I mean, there was oil everywhere,  
20 there were trip hazards, there were like piles of  
21 garbage. There were -- I mean, it was just  
22 disgusting.

23 And as I made my way through the bay, the  
24 bay is where -- what they call to -- where the trucks  
25 are stored inside, you know, I wanted to see, touch,

1 feel, you know, for myself.

2 And as I went up to the trucks, and this  
3 one truck, in particular, I opened the door and like  
4 the -- a step fell down.

5 I said, oh, is that -- is that supposed to  
6 be -- do that? I thought it was maybe like a folding  
7 step. And they said, no, that's been broken for a  
8 while.

9 And on that same truck the door -- so the  
10 door opened, the step fell. And then there are these  
11 weird wires hanging with like a clip -- you know, that  
12 was a, it almost looked like a surgical instrument  
13 that had these wires pinched together.

14 And I said what is -- what is this? Oh,  
15 that broke, you know, a while ago. And it was just  
16 like one thing led to another, led to another. You  
17 know, there was --

18 Q. Would you briefly described, based on what  
19 you saw and what the problems were, the actions, if  
20 any, that you took while you were in Columbus to fix  
21 or repair those issues?

22 A. It was -- I attacked it from many different  
23 angles, because it was so much that was broken, the  
24 facility, the trucks, the --

25 Q. What about, yes, with respect to the

1 trucks, what repairs were made?

2 A. Well, actually, that started prior to my  
3 arrival. So I -- the seven trucks that were down, you  
4 know, I put myself in people's shoes when I interact  
5 with them, you know, just like you wouldn't leave a  
6 child or -- or what have you, in a vehicle that hot.

7 I'm not going to wait to -- I mean,  
8 obviously, something has been occurring that has  
9 broken with this --

10 JUDGE AMCHAN: It'd be better if you  
11 try to answer his questions directly.

12 THE WITNESS: Oh, I'm sorry.

13 JUDGE AMCHAN: He just asked you what  
14 you did.

15 THE WITNESS: Okay. Yeah, it started  
16 before I got there. I arranged to have those seven  
17 trucks worked on before I arrived.

18 If you're talking about after I arrived,  
19 more truck repairs. I had a seat shipped in, because  
20 one of the seats was just -- it --

21 DIRECT EXAMINATION (CONT'D)

22 BY MR. HULT:

23 Q. Why did you have these trucks repaired when  
24 you were there?

25 A. They were an accident waiting to happen. I

1 mean, some of them were OSHA concerns. Some of them  
2 were injury accident -- I mean, it was --

3 Q. The garage, you discussed some of the  
4 issues there. Can you briefly describe what you did  
5 to repair or what changes you made to the garage were  
6 outsourced to have others make, while you were there  
7 in the garage?

8 A. Yeah. It -- it needed to be cleaned. It  
9 was -- you know, there was oil on the ground. They  
10 talked about, you know, how they, in the past, had  
11 used kitty litter sometimes to soak up the oil.

12 Q. Why did you make those -- or order or  
13 request those -- that cleanup in the garage when you  
14 were in Columbus?

15 A. Well, that's my job. I mean, there -- it  
16 was a hazard. Inside the building, outside the  
17 building, in the trucks. I mean, literally,  
18 everywhere that I turned, it's an accident waiting to  
19 happen.

20 Q. Did you see the bathrooms when you were in  
21 Columbus?

22 A. I did.

23 Q. Did you have the bathrooms cleaned when you  
24 were there?

25 A. I did.

1 Q. Why did you have the bathrooms cleaned?

2 A. Because they were disgusting. One of them,  
3 I don't believe, was even working at all. They didn't  
4 have hot water. Man, they were just -- I mean, it was  
5 just disgusting, the whole place was.

6 Q. Was there a refrigerator in the facility  
7 when you arrived?

8 A. Yes. Inside.

9 Q. Inside.

10 A. Uh-huh. Or I should say --

11 Q. When you were there, was another  
12 refrigerator purchased and -- and brought into the  
13 facility?

14 A. Yes.

15 Q. What -- what were the contents of that  
16 refrigerator that was purchased and brought into the  
17 facility when you were there?

18 A. The --

19 Q. What was in the refrigerator?

20 A. In the one that was there?

21 Q. That we -- that you purchased, or that the  
22 Company purchased and brought into Columbus?

23 A. I purchased a refrigerator from Lowe's and  
24 put water in it. We -- I went back and forth on, they  
25 had a, like a, one of those Zephyrhills cooler things.

1           But it -- you know, we had talked about  
2   cleaning it out and bleaching it, and -- but it just  
3   -- it -- it was as disgusting as the rest of the  
4   facility, and we weren't sure if it was even working.  
5   And so, yeah, a purchased a refrigerator and put water  
6   in it.

7           Q.       Why did you purchase a refrigerator and put  
8   water in it and bring it to the facility when you were  
9   there?

10          A.       Because of the -- the culmination of  
11   everything that, you know, was -- we're having these  
12   heat-related issues, the -- one of the -- the ways to,  
13   you know, combat that is, obviously, we're tackling it  
14   from the vehicle side, you know, fixing, working on  
15   the AC and the circulation issues. But, also, I mean,  
16   hydration is key.

17          Q.       Did you make any of these changes because a  
18   union Petition had been filed?

19          A.       No. No.

20          Q.       What would have happened, to the best of  
21   your knowledge, to you had you appeared on site and  
22   witnessed what you witnessed, and had you not made any  
23   changes to the facility at that time?

24                   MR. TANSINO: I'm going to object.  
25   It calls -- calls for speculation.



1 JUDGE AMCHAN: Yes. Sustained.

2 Q. Does your job require that when you appear  
3 at a facility, or when you encounter a risk management  
4 issue, or a situation like you saw in Columbus, that  
5 you fix it?

6 A. Yeah.

7 Q. You mentioned some of the regulatory  
8 agencies that you work with and interact with. To the  
9 best of your knowledge, did some of the -- the stuff  
10 that you witnessed involve potential OSHA infractions?

11 A. Yes.

12 Q. Can you describe?

13 A. Webster can -- can probably provide you  
14 with more -- he's our OSHA expert. But as it relates  
15 to, from my perspective, the -- the slip hazards with  
16 the -- with the oil, the -- the heat, exhaustion  
17 issues with the employees, the cleanliness.

18 The -- you know, the -- it was, I think,  
19 mentioned also about the eyewashing station, there's  
20 no way that you would want to use that eyewashing  
21 station if you -- you know, as a remedy, if you were  
22 to have gotten something in your -- in your eye.

23 So, it -- I mean, as far as the -- the  
24 specific infractions, OSHA -- or excuse me, Webster  
25 can probably quote that. A lot of, from my perception

1 is avoiding accidents, reducing claims.

2 Q. Okay. One last exhibit, and then just a  
3 couple more questions.

4 JUDGE AMCHAN: While you're getting  
5 that together, I would just offer you something from  
6 my former life.

7 MR. HULT: Uh-huh.

8 JUDGE AMCHAN: There's a -- there's a  
9 provision in the OSHA statute that, I think it's 4,  
10 4(b) something or other, about OSHA not being to  
11 exercise its authority with regard to matters that are  
12 regulated by other agencies.

13 And I do recall that there was an issue  
14 with regard to trucks. I'm not actually sure that  
15 OSHA can do anything about what's on the inside of a  
16 truck.

17 The eyewash in the bay is probably an OSHA,  
18 meaning, you know, the Occupational Safety and Health  
19 Administration, that is probably their issue. But the  
20 condition on the inside of the trucks, I bet --

21 THE WITNESS: Uh-huh.

22 MR. HULT: Well, they send us letters

23 --

24 THE WITNESS: Yeah.

25 MR. HULT: -- that certainly believe

1 --

2 THE WITNESS: Yeah.

3 MR. HULT: -- make us believe that  
4 they do.

5 JUDGE AMCHAN: Really?

6 MR. HULT: And threats. Yes.

7 JUDGE AMCHAN: From -- from the  
8 Occupational Safety and Health Administration.

9 MR. HULT: Yes.

10 THE WITNESS: But you're -- you're  
11 right --

12 JUDGE AMCHAN: Huh. Maybe -- maybe  
13 -- maybe the law's changed. I do remember there was  
14 -- I remember I actually once had a case involving a  
15 backup alarm.

16 MR. HULT: So they've been tricking  
17 us this whole time. That's what --

18 JUDGE AMCHAN: They -- well, they may  
19 say we'll report it to DOT. Somebody -- somebody has  
20 authority, but --

21 THE WITNESS: Yeah. But I do know  
22 it's definitely not a requirement to provide AC, which  
23 is kind of --

24 JUDGE AMCHAN: There -- there may be  
25 something that covers it, but I'm not sure that OSHA

1 -- that -- all I remember is there were huge battles

2 --

3 THE WITNESS: Uh-huh.

4 JUDGE AMCHAN: -- between trucking  
5 companies and OSHA, and also with the DOT, which was  
6 very jealous of its --

7 MR. HULT: OSHA stepping on its --

8 JUDGE AMCHAN: Correct.

9 MR. HULT: -- heels on that area?

10 JUDGE AMCHAN: Right.

11 (Whereupon, Respondent's Exhibit Number 2  
12 was marked for identification.)

13 DIRECT EXAMINATION (CONT'D)

14 BY MR. HULT:

15 Q. Christine, I've handed you -- I'm sorry, I  
16 have another one here somewhere.

17 MR. TANSINO: That's all right.  
18 We'll both -- we'll share.

19 Q. -- what we'll call Respondent's 2 right  
20 now. Do you recognize this document?

21 A. Uh-huh.

22 Q. What is this document?

23 A. It is -- so the pilot started out as one  
24 thing and it kind of evolved over time and based on,  
25 you know, as I learned more and more about the

1 organization.

2                   So this is something that we put together  
3 to keep track of what we had done and where, and --

4           Q.       Did you help assemble this document?

5           A.       Yes.

6           Q.       Was this document then, based on what  
7 you've said, a reflection of -- of what has been  
8 completed in different areas as part of the pilot  
9 program?

10          A.       Uh-huh.   Yep.

11          Q.       Can you explain briefly the different color  
12 codings on the document?

13          A.       It's just, you know, this is really -- it  
14 was just for my organization --

15          Q.       Uh-huh.

16          A.       -- to keep track of the success, the --  
17 whether or not we were still testing, the outcome was  
18 pending, unfavorable.

19          Q.       When was this document created, to the best  
20 of your knowledge?

21          A.       It's been an evolving document.   I would  
22 say probably August, is when it was started.

23          Q.       All right.   So the pilot program has  
24 extended to facilities beyond Columbus?

25          A.       Yes.

1 Q. Is that document an accurate reflection, at  
2 least to the extent it was last revised, of the  
3 changes that are marked, or the -- the program  
4 implementations that have been marked in that  
5 spreadsheet?

6 A. Yes. Yep.

7 MR. HULT: Move for admission of  
8 Respondent's 2.

9 VOIR DIRE EXAMINATION

10 BY MR. TANSINO:

11 Q. When was this last revised?

12 A. I don't know. It's -- you know, it's --  
13 it's an evolving document, I would say. It -- again,  
14 it's just something for me to organize so I know what  
15 we've tried, where, and --

16 JUDGE AMCHAN: Well, do you know when  
17 the last time was you made a change to this document,  
18 or added -- added or subtracted something?

19 THE WITNESS: To the one that sits in  
20 front?

21 JUDGE AMCHAN: Yes.

22 THE WITNESS: I would say probably,  
23 maybe November. It's -- it's just a guess, though.  
24 But I know that I haven't worked on it in January.  
25 December, probably not. Maybe November. But I don't

1 know --

2 MR. TANSINO: That's fine.

3 THE WITNESS: -- I can't --

4 MR. TANSINO: I won't object to its  
5 entry.

6 THE WITNESS: -- I can't really say  
7 for sure, though.

8 JUDGE AMCHAN: You don't object?

9 THE WITNESS: No, I don't object.

10 JUDGE AMCHAN: Okay. It's received.

11 (Whereupon, Respondent's Exhibit Number 2  
12 was received into evidence.)

13 JUDGE AMCHAN: Can I just ask you, I  
14 mean, you know, you have the list of the seven  
15 facilities that are part of the pilot project.

16 THE WITNESS: Uh-huh.

17 JUDGE AMCHAN: But on Exhibit R2, I  
18 assume that's, it looks like there's about 25 --

19 THE WITNESS: Uh-huh.

20 JUDGE AMCHAN: -- listed on the left-  
21 hand side.

22 THE WITNESS: Uh-huh.

23 JUDGE AMCHAN: Is -- I'm assuming  
24 that that's not all the Garda facilities in the US, is  
25 it?

1 THE WITNESS: Uh-uh.

2 JUDGE AMCHAN: Well, what's the  
3 significance of those 25?

4 THE WITNESS: You know, as the -- as  
5 issues come across my desk --

6 JUDGE AMCHAN: Uh-huh.

7 THE WITNESS: -- I address them. You  
8 know, if we -- for example, we may have gotten a  
9 complaint in Sacramento, or Imperial.

10 I don't know, off the top of my head I  
11 don't know why each one of these was included. But I  
12 know that how I go about my day --

13 JUDGE AMCHAN: Uh-huh.

14 THE WITNESS: -- that, you know, as  
15 things come across my desk, if it involved heat, or  
16 something that was part of the -- this program that we  
17 were evaluating, I would include -- include that  
18 location.

19 JUDGE AMCHAN: So, you take the --  
20 the first one, Bakersfield, California, which is not  
21 one of the seven pilot branches.

22 THE WITNESS: Uh-huh.

23 JUDGE AMCHAN: Would -- from what  
24 you've said, I'm inferring that somebody brought to  
25 your attention that there was some problem in



1 Bakersfield and that's why it's on the list.

2 THE WITNESS: Uh-huh.

3 JUDGE AMCHAN: Is -- that's a yes?

4 THE WITNESS: Yes. Yeah.

5 JUDGE AMCHAN: Okay.

6 THE WITNESS: Yep.

7 MR. TANSINO: And one -- actually,  
8 one thing, because I -- you know, I've seen this  
9 document.

10 And if it goes into the record, we're going  
11 to have some trouble with identifying what the -- the  
12 code is, the -- the green and the red show up the same  
13 color. So I don't know if you want -- I can --

14 JUDGE AMCHAN: I mean --

15 MR. TANSINO: -- address it on cross,  
16 or if you want to just try to clarify it now.

17 JUDGE AMCHAN: I guess, why do you  
18 say that? I'm assuming that the color coded -- do you  
19 have a color -- I --

20 MR. TANSINO: I have a color coded  
21 copy now, yes.

22 JUDGE AMCHAN: So do I. So I would  
23 think the two exhibits the reporter gets will be in  
24 color.

25 MR. TANSINO: Okay. I'm -- I'm

1 thinking --

2 JUDGE AMCHAN: Am I right?

3 MR. TANSINO: -- I'm -- I'm in my  
4 nextgen zone here.

5 JUDGE AMCHAN: Oh, that --

6 MR. TANSINO: So I'm --

7 JUDGE AMCHAN: -- that the -- that  
8 the -- oh, I see. Because they have to file -- the  
9 reporter has to file the exhibits electronically --

10 MR. TANSINO: And that becomes our  
11 official record.

12 JUDGE AMCHAN: -- as well, but they  
13 also will file paper copies which will be in color, so  
14 --

15 MR. TANSINO: Okay. That's fine.

16 JUDGE AMCHAN: I've received it. I  
17 think I've received it. If I didn't, I receive it.

18 THE COURT REPORTER: You did.

19 JUDGE AMCHAN: Okay.

20 DIRECT EXAMINATION (CONT'D)

21 BY MR. HULT:

22 Q. Just a couple more --

23 A. Uh-huh.

24 Q. -- questions, Christine. When you were in  
25 Columbus, did you make any promises to employees about

1 the terms and conditions of their employment if they  
2 refrain from union organizing activities?

3 A. No.

4 Q. Did you talk to them at all about union  
5 organizing activities?

6 A. I did not.

7 Q. What -- at the conclusion of -- is -- is  
8 Scott Jacks still the branch manager at Columbus?

9 A. No, he's not.

10 Q. What was -- what happened to Mr. Jacks?  
11 When -- when did he -- was he removed from that  
12 position?

13 A. When I met with him, he --

14 Q. Just when.

15 A. When?

16 Q. Yes.

17 A. When was he removed?

18 Q. Yes.

19 A. I don't really know.

20 Q. Okay.

21 A. I don't know.

22 MR. HULT: Nothing further.

23 JUDGE AMCHAN: Just before the  
24 General Counsel starts his cross-examination.

25 EXAMINATION

1 BY JUDGE AMCHAN:

2 Q. So you were there at the Columbus facility  
3 the 7th and the 8th of August. Were you there at all  
4 -- were you there again in the month of August?

5 A. Uh-uh. No, I was not.

6 Q. So those -- it was just those two days.

7 A. Uh-huh.

8 Q. The only thing, you have to --

9 A. Yes.

10 Q. Yes, okay.

11 A. Yes.

12 Q. All right.

13 A. Yep. Yep.

14 JUDGE AMCHAN: Okay.

15 CROSS-EXAMINATION

16 BY MR. TANSINO:

17 Q. Good -- it's still morning. Good morning.  
18 We've met. I'm Joe Tansino, counsel for Acting  
19 General Counsel, and I will be asking you some  
20 questions about your testimony.

21 If I ask you a question and you don't  
22 understand, just -- just let me know and I'll -- I'll  
23 try again.

24 A. Okay.

25 Q. Is it -- so is it a -- a fair summary of

1 your testimony that as director of risk management you  
2 view data, go to sites within the Company, assess risk  
3 and potential liability for the Company and -- and  
4 take steps to correct it?

5 A. Yeah. Yeah. I would say that's --

6 Q. Okay. And, the -- the goal in mind there  
7 is -- is to -- to save the Company money; isn't that  
8 right?

9 A. No. Not necessarily, no. My focus is,  
10 like I said, it's been an evolving one. Our  
11 involvement with claims has changed.

12 We have an employee advocate program where  
13 we, instead of, you know, they got injured and then  
14 they just work with the insurance company and it can  
15 be kind of confusing, we are now involved at the  
16 beginning to kind of help them through the process.  
17 The -- the --

18 Q. Well, wait. Let me stop you there. So you  
19 -- you may have to incur some expenses in the course  
20 of doing your job.

21 But I guess my question was, at -- at the  
22 end of the day, you're trying to reduce the -- the --  
23 the Company's liability.

24 A. No. It's keeping us compliant. Keeping  
25 our employees safe and accident-free. And --

1 Q. You -- you want to keep your employees  
2 safe. That's -- safe --

3 JUDGE AMCHAN: Commendable.

4 MR. TANSINO: Sorry?

5 JUDGE AMCHAN: Commendable.

6 CROSS-EXAMINATION (CONT'D)

7 BY MR. TANSINO:

8 Q. Certainly. You -- you want to have safe,  
9 secure working environments for your employees; isn't  
10 that right?

11 A. Correct.

12 Q. And you want them to be happy where they  
13 are, where they're working.

14 A. Happiness is not part of my job  
15 description, necessarily.

16 Q. Okay. But you want, at a -- at a bare  
17 minimum, that the employees aren't going to be exposed  
18 to -- to risk in the workplace.

19 A. Hazards, correct. Yep; uh-huh.

20 Q. And you stated that there are between 200  
21 and 220 branches across the country?

22 A. Uh-huh. Ballpark, yeah. Yes.

23 Q. How many of those had you visited at the  
24 time of your visit to Columbus?

25 A. I believe Columbus was my second branch.

1 Because the goal --

2 Q. Well, that -- there's no question pending.

3 A. Or, no, I'm sorry. Yeah.

4 JUDGE AMCHAN: The first one was --

5 THE WITNESS: I believe -- I believe  
6 it was my second.

7 JUDGE AMCHAN: The first one was in  
8 Florida; correct?

9 THE WITNESS: Yes. Uh-huh. Or  
10 three, if you're considering Corporate a branch.

11 JUDGE AMCHAN: So the first -- the  
12 first one outside of the state of Florida.

13 THE WITNESS: First one out, yes.

14 CROSS-EXAMINATION (CONT'D)

15 BY MR. TANSINO:

16 Q. Okay. So the Corporate office in Florida  
17 is, that's not -- well, let me ask you. Is that the  
18 US Headquarters?

19 A. Yes.

20 Q. Okay. Because it's broke -- broken up into  
21 different regions, and so I understand there's  
22 different Corporate offices --

23 A. Right. Yeah.

24 Q. -- and -- and different regions, but --

25 A. Uh-huh. Uh-huh.

1 Q. -- the -- the base is in Florida.

2 A. Uh-huh.

3 Q. Okay.

4 A. Uh-huh. Yes, for the US.

5 Q. Now, you -- I believe you stated that you  
6 wanted to get -- get involved, visit branches, and you  
7 saw -- saw that as an opportunity to improve the  
8 organization.

9 A. Uh-huh.

10 Q. Is that -- I'm sorry, you have to answer  
11 yes or no.

12 A. I don't -- I don't know that I specifically  
13 --

14 Q. Well, was -- was that your goal, did -- did  
15 you want to improve the organization?

16 A. Oh, yes. Yep.

17 Q. And you -- you understood that this was a  
18 -- a problem across the country, that there were  
19 problems with risk management at branches across the  
20 country, or you came -- you came to understand that?

21 A. Yes.

22 Q. Okay.

23 A. Yes. It was something that unfolded.

24 Q. Now, from the time that you started with  
25 the Company, until you visited Columbus, had you



1 received any reports of heat-related injuries at the  
2 Columbus Branch?

3 A. Heat-related injuries. I don't know,  
4 actually.

5 Q. Okay.

6 A. I'm not certain.

7 Q. Any -- any Workers' Compensation claims?

8 A. I don't know.

9 Q. Would -- would you be -- was that part of  
10 your job duties to --

11 A. It's within my department.

12 Q. Okay.

13 A. But as claims occur, they don't necessarily  
14 come across my desk. I don't recall specifically heat  
15 --

16 Q. What -- what about -- what about OSHA  
17 complaints? Were there any OSHA complaints from the  
18 time that you started until your visit at -- at the  
19 Columbus Branch?

20 A. I do recall hearing of an OSHA complaint.  
21 Not necessarily a citation, but, yes, complaint.

22 Q. And did -- did that complaint -- well, I'm  
23 -- I'm probably the least informed person in the room  
24 when it comes to OSHA issues.

25 So maybe -- maybe you can help me

1 understand. When a branch has a complaint --

2 A. Uh-huh.

3 Q. -- and that they make to OSHA.

4 A. Uh-huh.

5 JUDGE AMCHAN: Well, the -- the  
6 branch manager wouldn't be calling OSHA, it would be  
7 an employee.

8 Q. When -- okay. So say -- say an employee  
9 calls OSHA, how -- does the -- does the branch become  
10 informed of that?

11 A. It depends, really. Sometimes I see them  
12 being informed. And I don't -- I don't know if it's  
13 because of our various corporations as to why -- you  
14 know, who gets notified when.

15 Q. There are letters that go out, though, when  
16 there's an OSHA complaint.

17 A. Sometimes, yeah.

18 Q. Okay.

19 A. Sometimes we -- we -- Webster can probably  
20 speak better to that than I can, because I know that  
21 sometimes he'll just receive phone calls.

22 Q. Okay. And you -- but you don't recall  
23 seeing any -- any letters from OSHA regarding the  
24 Columbus Branch.

25 A. I don't, no. I know that I have seen a

1 list of all of our complaints, citations, I don't  
2 know. Webster could speak to that. The one thing  
3 that came up to me or was on my radar was the actual  
4 branches with citations.

5 So, for example, we may have a number of  
6 complaints, but then we worked through those and --  
7 and perhaps only a small percentage of that actually  
8 rises to the level of a citation.

9 Q. So, for example, I think -- well, no, it's  
10 not on that one, actually. Are you -- let's -- let's  
11 look -- I'm looking at GC4. Do you still have a copy  
12 of that in front of you?

13 A. Yes.

14 Q. And I think your testimony was you didn't  
15 know whether there'd been any -- any OSHA issues at --  
16 at the Columbus Branch while you were there; is that  
17 right?

18 A. Say that again.

19 Q. You -- that you weren't aware of any OSHA  
20 complaints at the Columbus Branch?

21 A. I don't think I said that.

22 Q. Okay. Then maybe -- maybe I misunderstood.  
23 You -- you didn't -- you didn't see any letters from  
24 OSHA.

25 A. I don't recall --

1 Q. Okay.

2 A. -- is what I'm saying.

3 Q. You don't recall seeing it, okay.

4 A. Yeah.

5 Q. What about, let's -- let's go down the  
6 list, what about Edison, New Jersey, did you see OSHA  
7 complaints for Edison?

8 A. I don't recall. Again, it's not --

9 Q. Well, Edison was a -- a problem spot for  
10 the -- for the organization, wasn't it?

11 A. Uh, yes.

12 Q. In fact, there'd been seven OSHA complaints  
13 filed very -- in very recent time, just during the  
14 course of that summer; isn't that right?

15 A. I don't know, actually. Webster would be  
16 your -- I don't -- I mean, I hate to guess or give  
17 speculation as to the number of complaints. I don't  
18 really know.

19 Q. Were you aware whether there was any  
20 organizing activity in Edison, New Jersey during --  
21 during this past summer?

22 A. No.

23 Q. So you weren't aware, or there wasn't any?

24 A. I don't know.

25 Q. Okay. Thank you. That was a poorly formed

1 question. I apologize.

2 What about Fairfield, what -- do you --  
3 were you aware of any OSHA-related complaints at -- at  
4 Fairfield?

5 A. I don't know -- it's kind of difficult. I  
6 mean, maybe you guys have -- I have a lot that goes on  
7 in my day and we have a lot of locations and a lot of  
8 activity. And, I mean, I'm --

9 JUDGE AMCHAN: Well, if you -- if --  
10 if you don't know, you just say you don't know.

11 Q. Yes, if you don't know, that's fine.

12 A. Yeah, I don't know. I'm not trying to be  
13 vague. I mean, if you --

14 JUDGE AMCHAN: Okay. If -- no, if  
15 you don't know --

16 THE WITNESS: Okay.

17 JUDGE AMCHAN: -- you don't know.

18 THE WITNESS: Okay.

19 CROSS-EXAMINATION (CONT'D)

20 BY MR. TANSINO:

21 Q. Well, I -- you know, and, of course, the  
22 reason I'm asking is in this e-mail you state that the  
23 branches were selected due to many factors.

24 A. Uh-huh.

25 Q. Heat-related, WC claims, I'm assuming

1 that's Workers' Compensation.

2 A. Work Comp. Workers' Comp, yes. Uh-huh.

3 Q. OSHA?

4 A. Yeah.

5 Q. Union activity, employee complaints,

6 vehicle maintenance issues.

7 A. Yeah.

8 Q. I'm assuming that all of these branches  
9 didn't -- didn't have all of these factors in play.

10 A. Okay.

11 Q. Is that -- or -- or -- or can you tell me  
12 otherwise?

13 A. I guess I don't understand your question.

14 Q. Okay.

15 JUDGE AMCHAN: Well, let me -- let me  
16 ask you, who picked these seven, did you?

17 THE WITNESS: I did.

18 CROSS-EXAMINATION (CONT'D)

19 BY MR. TANSINO:

20 Q. You picked them and you used these -- these  
21 factors that you listed on this e-mail.

22 A. Yes.

23 Q. Okay. How did union activity -- strike  
24 that.

25 Isn't it true that Columbus wasn't added to

1 this list until after the Petition was filed?

2 A. I couldn't tell you. I don't -- I don't  
3 know. I'm not involved in -- I don't know when the  
4 Petition was filed.

5 Q. Okay. You -- you -- I think you stated  
6 that on your earlier -- in your earlier testimony,  
7 that you're separate and apart from labor relations;  
8 is that -- is that right?

9 A. Correct. I'm in risk management, yes.

10 Q. Okay. You don't have any sort of  
11 coordinating efforts with labor relations?

12 A. No, I don't --

13 Q. You don't --

14 A. -- they're two separate departments. We  
15 don't --

16 Q. Didn't you coordinate your visit with labor  
17 relations when you visited the Columbus Branch?

18 A. Coordinate my visit?

19 Q. Did you plan your visit to be -- to be  
20 there the day before Ivelices Lunares was there?

21 A. My visit was planned around -- it had  
22 nothing to do with when -- it had nothing to do with  
23 Ivelices.

24 MR. TANSINO: Do you -- Madam  
25 Reporter, do you have a copy of GC Exhibit 3 up there?

1 May I approach?

2 JUDGE AMCHAN: Yes.

3 CROSS-EXAMINATION (CONT'D)

4 BY MR. TANSINO:

5 Q. This has been admitted as General Counsel's

6 3.

7 A. Uh-huh.

8 Q. Do you recognize it?

9 A. Let's see. Uh-huh. Uh-huh. Yep.

10 Q. And there's -- there's two e-mails; right?

11 A. Uh-huh.

12 Q. The -- the first is the more recent one

13 from -- from Webster Lubemba to you?

14 A. Uh-huh.

15 Q. And the -- below that is your e-mail to

16 him, and that's dated August 2nd; correct?

17 A. Uh-huh.

18 Q. I'm sorry, you have to --

19 A. Yes.

20 Q. -- you have to answer --

21 A. Yes.

22 Q. -- with a yes.

23 A. Yes.

24 Q. And so did -- did you say right here in

25 your e-mail, it sounds like Ivelices would prefer the



1 roll-out to be prior to her arrival on Wednesday, so  
2 that would mean Tuesday?

3 A. Yes.

4 Q. And that would be Tuesday, August 7th?

5 A. I believe so.

6 Q. Okay. That -- that was the -- the first  
7 full day that you were in Columbus?

8 A. Yes.

9 Q. Okay. And you -- you arrived Monday night  
10 August 6th, that's -- isn't that right?

11 A. I believe so.

12 Q. Did you go to the facility that evening?

13 A. No, it was late. I want to say really  
14 late, close to midnight, ten, eleven, something like  
15 that.

16 Q. Now, Ivelices, that's Ivelices Lunares;  
17 right?

18 A. I believe so. I believe that's her last --

19 Q. Okay.

20 A. -- or, yeah, here. Is it on here? No,  
21 it's not.

22 Q. And she's the director of labor relations;  
23 right?

24 A. Yes.

25 Q. Okay. And she was actually at the facility

1 on Wednesday, August 8th, to talk about union  
2 organizing; right?

3 A. Yes.

4 Q. Okay. So you had had some conversation  
5 with her coordinating your schedule so that you would  
6 be there prior to her arrival; isn't that right?

7 A. I wouldn't necessarily say coordinating my  
8 arrival. Yeah. No, I wouldn't necessarily say  
9 coordinating my arrival.

10 I know that, like, for example, on Tuesday,  
11 I asked her, you know, do you want me at the branch on  
12 Wednesday, or --

13 Q. Well, why were you -- why were you asking  
14 her when she wanted you there?

15 A. I -- this was kind of a -- my -- even  
16 though I have a long history in risk management, my  
17 involvement with -- with unions and -- and what have  
18 you, is pretty limited.

19 So, you know, the way that I looked at  
20 Ivelices was similar to my own role, in that if we  
21 have concerns, Company-wide concerns, or employee  
22 concerns, or liabilities, or what have you, you  
23 evaluate them and -- and fix them, so --

24 Q. A happy, safe workforce reduces the  
25 Company's liability under Federal regulatory bodies;

1 is that -- is that fair?

2 A. Okay.

3 Q. Is that a fair summary? So it's kind of  
4 all under the same umbrella?

5 A. What's under the same umbrella?

6 Q. Well, you -- you -- labor relations, OSHA  
7 activity, the idea that if your employees are -- are  
8 happy and -- and safe, then --

9 A. No. No. I wouldn't --

10 Q. Well, is -- let me ask you, isn't it true  
11 that --

12 A. I'm not a labor relations expert, if you  
13 want to say that.

14 Q. Okay. That's -- that's fair.

15 A. Okay.

16 Q. But, isn't it true that management and  
17 Garda has drawn explicit connections between OSHA,  
18 OSHA-related complaints, and union activity?

19 A. I don't believe so -- I -- no. I mean, I  
20 have OSHA complaints from all over.

21 Q. Was --

22 A. Or we -- we have --

23 Q. There was some union organizing activity at  
24 the Edison Branch following the seven OSHA claims; is  
25 -- isn't that right?

1 A. I couldn't tell you.

2 Q. Okay.

3 A. I don't know.

4 Q. You don't know. Part of your goal as  
5 director of risk management to let the -- the Garda  
6 employees that you meet and interface with know that  
7 -- that you care, as part of management?

8 A. As part of my goal, letting them know that  
9 I care?

10 Q. Yes. Do you -- do you want to -- is it  
11 important as part of your job to let employees know  
12 that you, as part of Garda management, care? Like  
13 Garda cares about its employees.

14 A. Oh, yeah. I mean --

15 Q. Okay.

16 A. -- that's kind of one of the -- the mottos  
17 that the Company has.

18 Q. And part of that is delivering the right  
19 message face-to-face with employees?

20 A. I don't -- I'm not understanding your -- I  
21 don't know. I mean, anytime that I interact with  
22 someone, whether it be an employee, a regulatory  
23 agency, I mean, I -- I care, because I care about my  
24 job.

25 Q. Uh-huh.

1           A.       And I enjoy what I do. And so to say that  
2 I are, yes.

3           Q.       Well, with -- okay. So with -- with 200,  
4 220 branches across the country --

5           A.       Uh-huh.

6           Q.       -- in order to implement a program where  
7 you're going to be improving the safety and  
8 eliminating risks --

9           A.       Uh-huh.

10          Q.       -- time and -- and resources are -- are  
11 going to limit you; right? So part of the pilot  
12 program is to start somewhere; isn't that right?

13          A.       The pilot program was, again, to take a  
14 sampling of the branches to test what worked, what  
15 didn't work, what --

16          Q.       But they are high risk branches that you  
17 selected.

18          A.       You know, again, it depends on how you -- I  
19 mean, I can -- I don't know that I would categorize  
20 them as a high risk because, again, during that time I  
21 didn't know everything about all branches.

22          Q.       Okay.

23          A.       I mean, if that's a --

24          Q.       Well, there was -- isn't it true there was  
25 a -- a Workers' Compensation claim and an OSHA

1 complaint filed in the Grand Rapids Branch during the  
2 summer of 2012?

3 A. I do not know -- I can't say specifically.  
4 I mean, I don't know if you guys have a list of the  
5 OSHA complaints. That would probably be helpful. I  
6 just -- I don't know off the top of my head.

7 And regarding claims, we have 1200 claims a  
8 year. I don't -- I mean, I'm not trying to avoid your  
9 question, it's just --

10 Q. That's fine.

11 A. -- I don't want to --

12 Q. No, it's okay.

13 A. -- misstated something based on memory.

14 Q. I'll show you something.

15 A. Okay.

16 Q. Will that help you, if I show you a  
17 document?

18 A. I suppose it depends on what you're going  
19 to show me. I don't know. I don't want to guess.

20 (Whereupon, General Counsel's Exhibit Number 19  
21 was marked for identification.)

22 Q. This is going to be marked as 19, GC19.

23 JUDGE AMCHAN: We skipped from --

24 MR. TANSINO: We -- we skipped  
25 several.

1 JUDGE AMCHAN: -- skipped to 19?

2 MR. TANSINO: Yes. I have -- I have  
3 some -- some other --

4 JUDGE AMCHAN: All right.

5 MR. TANSINO: -- e-mails that are  
6 waiting in the -- in the ranks, just in case. Is that  
7 -- is that okay?

8 JUDGE AMCHAN: It's okay, as long as  
9 I can account for all the exhibits.

10 MR. TANSINO: May I approach?

11 JUDGE AMCHAN: Sure.

12 CROSS-EXAMINATION (CONT'D)

13 BY MR. TANSINO:

14 Q. This is a four-page e-mail.

15 A. Uh-huh.

16 Q. It's a -- it's an e-mail thread, I'm sorry.  
17 And, the top e-mail there is from you to -- to Webster  
18 Lubemba.

19 A. Uh-huh.

20 Q. And the date's July 25th, 2012?

21 A. Uh-huh.

22 THE COURT REPORTER: I'm sorry.

23 You're going to have to say yes or no verbally.

24 THE WITNESS: Yes. Yes. Uh-huh.

25 THE COURT REPORTER: Thank you.

1 THE WITNESS: Yep.

2 CROSS-EXAMINATION (CONT'D)

3 BY MR. TANSINO:

4 Q. And it's regarding a Michigan OSHA  
5 scheduled visit. That's the subject line there?

6 A. Yes.

7 Q. Okay. And Grand Rapids isn't on your  
8 initial pilot list; right?

9 A. No.

10 Q. Okay.

11 A. I don't know if they're on the --

12 Q. You state here --

13 A. But it looks like they're on this one.

14 JUDGE AMCHAN: They're on R2.

15 They're not on the -- the -- they weren't one of the  
16 initial seven pilot branches.

17 THE WITNESS: Uh-huh.

18 CROSS-EXAMINATION (CONT'D)

19 BY MR. TANSINO:

20 Q. You state in this e-mail that you think  
21 this might be an opportune time, slash, location to  
22 launch the program.

23 That was on July 25th; right? Do you  
24 remember writing that?

25 A. Where -- which section are you in?



1 Q. The -- at the -- at the bottom of the first  
2 page, the last paragraph there, that middle sentence.

3 A. Uh-huh. Yes.

4 Q. But it wasn't included on the initial pilot  
5 program list.

6 JUDGE AMCHAN: Well, you don't have  
7 to ask her that. That's clear from the document.

8 THE WITNESS: Uh-huh. I guess this  
9 is a good example of --

10 MR. TANSINO: There's no question.

11 JUDGE AMCHAN: I don't think -- yes,  
12 there's no question.

13 THE WITNESS: Oh, no, I'm sorry. But  
14 I don't think it says initial pilot program.

15 MR. TANSINO: Move to admit GC19.

16 MR. HULT: Did we already stipulate  
17 to this? I have no objection.

18 JUDGE AMCHAN: Okay. GC19's  
19 received.

20 (Whereupon, General Counsel's Exhibit Number 19  
21 was received into evidence.)

22 MR. TANSINO: May I just have a  
23 minute?

24 JUDGE AMCHAN: Sure. Off the record.

25 (Off the record.)

1 JUDGE AMCHAN: Back on the record.

2 (Whereupon, General Counsel's Exhibit Number  
3 1N was marked for identification.)

4 JUDGE AMCHAN: The Answer is marked  
5 as Exhibit GC1N, and I'll receive it, because  
6 apparently I didn't before.

7 (Whereupon, General Counsel's Exhibit Number  
8 1N was marked for identification.)

9 CROSS-EXAMINATION (CONT'D)

10 BY MR. TANSINO:

11 Q. I want to go back to your visiting  
12 Columbus.

13 A. Uh-huh.

14 Q. You stated that the -- the bathrooms were  
15 dirty at the -- at the branch.

16 A. (No audible response.)

17 Q. I'm sorry, you have --

18 A. Yes.

19 Q. -- you have to say yes. Sometimes --

20 A. I --

21 Q. -- sometimes my questions sound like  
22 statements.

23 A. Yes.

24 Q. So I'll -- I'll -- I'll work on that, but  
25 --

1 A. Okay.

2 Q. -- we need a verbal yes or no. Were there  
3 other restrooms at the branch that you observed while  
4 you were there?

5 A. There were, I believe in the whole  
6 building, I think there were three.

7 Q. Okay. There were -- there were restrooms  
8 that were in different areas, in the office areas.

9 A. I saw a restroom when I was on the other  
10 side of the building, yes.

11 Q. Okay. And the -- the -- the restrooms over  
12 on that side, they -- they weren't covered in soot or  
13 dirt; right?

14 A. I only saw one restroom, or the -- the  
15 women's restroom. And, no, it didn't have soot.

16 Q. That's because there's no trucks going in  
17 and out right there creating all that -- that -- that  
18 soot and -- and dirt and grime; right?

19 A. Correct, yeah.

20 Q. Did the -- did the restrooms pose any  
21 safety risk? And I'm talking -- and let me -- did the  
22 -- did the garage restrooms pose a safety risk to  
23 employees?

24 A. I would say they posed a health, a general  
25 health concern, yeah. Yes.

1 Q. Because there -- there wasn't any hot  
2 water; is that the reason why?

3 A. There was not hot water. Webster can speak  
4 more to that, because I know that he did something to  
5 it and fixed the hot water, it was very minor. But,  
6 yes, there was no hot water.

7 I don't think one of them was even working.  
8 I know one of the concerns is, you know, we have male  
9 and female driver/messengers, and with only one of the  
10 facilities working, or partially working, I would say,  
11 I mean, in my eyes, that -- it definitely needed to be  
12 -- to be remedied.

13 Q. Are you -- are you -- are you familiar with  
14 an employee, and I'm going to have trouble with her --  
15 the first name, Xiomara Tennyson?

16 A. I believe she was in one of these handouts,  
17 where there was reference.

18 Q. She's an employee at the -- at the Needham  
19 Branch; right?

20 A. I know she's an employee. And I'm not  
21 exactly sure which branch, but I can probably find it  
22 here, because I do recall seeing her name. Yes, let's  
23 see. Needham, yes.

24 Q. And I apologize that my exhibits are  
25 jumping around, but that's what I get for trying to do

1 everything ahead of time. This is going to be GC13.

2 (Whereupon, General Counsel's Exhibit Number 13  
3 was marked for identification.)

4 Q. Have you seen this e-mail before? I'm --  
5 it's a one-page e-mail, GC13.

6 A. Yes. Uh-huh.

7 Q. Okay. And this e-mail led to you deciding  
8 that you wanted to include Needham on your initial  
9 list of the -- of first -- of the -- the first seven  
10 branches for the -- the pilot program.

11 A. Was that a question?

12 Q. Yes.

13 A. Did this letter?

14 Q. Factor into your decision.

15 A. I don't know, because I thought as I looked  
16 at this one, I thought they were already on the list.  
17 Yeah, I think -- I don't know when this came -- well,  
18 actually, here, it says it up at the top, July 16th.

19 So I think I already knew of -- of Needham,  
20 or maybe we had OSHA complaints, or that that name had  
21 come in, or that branch had come on my radar for some  
22 of the other things that -- that I had listed.

23 But, yeah, I know she was a resource that  
24 we used in that branch to help gather information and  
25 -- and bounce ideas off -- off of her, as far as some

1 of the challenges they were having.

2 MR. TANSINO: Your Honor, I'm -- I'm  
3 not sure how exactly I -- I should proceed. This --  
4 this -- I think counsel will stipulate this was a  
5 document that was provided pursuant to a subpoena  
6 request.

7 JUDGE AMCHAN: So you want it in the  
8 record. I mean --

9 MR. TANSINO: I'd like -- I'd like it  
10 in the record, but it's -- it's important to point out  
11 that this was produced in response to a very specific  
12 request that's --

13 JUDGE AMCHAN: Well --

14 MR. TANSINO: -- pertinent to this  
15 testimony.

16 JUDGE AMCHAN: -- it -- it does  
17 appear from -- from itself that Ms. Tennyson is some  
18 sort of management employee at Needham.

19 THE WITNESS: I think she's -- I  
20 think she's -- I don't -- I can't speak to management.  
21 My recollection from this time frame was that she was  
22 either a side by side employee, or maybe a leader,  
23 like a team leader of sorts.

24 But I don't believe she was in management.  
25 She's definitely not a branch manager.

1 JUDGE AMCHAN: Well, who's Steve

2 Morss?

3 THE WITNESS: He is the counterpart  
4 of Vincent Modarelli, the two senior executives who  
5 are over the North.

6 JUDGE AMCHAN: I mean, do you have  
7 any objection to this -- will you stipulate to its  
8 being received? It certainly seems to be authentic,  
9 and it's --

10 MR. HULT: I will. He --

11 JUDGE AMCHAN: I mean, she -- she  
12 seems to be --

13 MR. HULT: I don't think -- I think  
14 if she's in the Peer Committee, she's not a member of  
15 management.

16 But I can't necessarily guarantee that,  
17 because it says Xiomara Tennyson Garda Peer Committee,  
18 that that means she's in it or if she's referencing  
19 it.

20 But, I'll stipulate to its authenticity,  
21 and we did provide it in response to the subpoena  
22 request.

23 MR. TANSINO: And the -- the  
24 response, just so it's in the record, because I don't  
25 think the subpoena is, it's in -- to Paragraph 1,

1 which was all documents relied on in selecting and  
2 prioritizing the seven branches for the heat  
3 management pilot program, as referenced in Christine  
4 Bouquin's August 5th, 2012 e-mail to Lori Brown, Steve  
5 Morss, and Hugues Trottier. Did you --

6 JUDGE AMCHAN: Well, okay, I'm -- I'm  
7 receiving GC13.

8 (Whereupon, General Counsel's Exhibit Number 13  
9 was received into evidence.)

10 MR. TANSINO: Okay. And I -- I just  
11 have a couple more --

12 THE WITNESS: I recall -- I recall  
13 the letter.

14 CROSS-EXAMINATION (CONT'D)

15 BY MR. TANSINO:

16 Q. And -- and, so this was part of your  
17 decision-making process.

18 A. It's -- I think Needham was already on the  
19 list.

20 JUDGE AMCHAN: Wait, wait. Hold --

21 THE WITNESS: Oh, okay.

22 JUDGE AMCHAN: -- I guess -- I think  
23 you just answered the question. You're -- you're  
24 saying that Needham was on the list before you saw  
25 this letter.



1 THE WITNESS: Uh-huh.

2 CROSS-EXAMINATION (CONT'D)

3 BY MR. TANSINO:

4 Q. Well, can you explain why this was produced  
5 pursuant to that subpoena request?

6 A. I know that when our attorneys asked for me  
7 to go through my e-mails, and I just sent them  
8 everything.

9 And I -- it was probably attached to an  
10 e-mail. I mean, it's referenced in the, what is it,  
11 GC4, I believe.

12 Q. Now, the -- the -- the first e-mail, the GC  
13 Exhibit 2 has the -- the pilot list. It's subject is  
14 "Re: Pilot."

15 And that's, forgive me if I'm -- I'm  
16 repeating myself, that's dated August 1st, 2012. I  
17 think that's the first document in evidence that --  
18 that has the list.

19 A. I don't have one marked 2. I'm sorry.

20 Q. And I -- I --

21 MR. TANSINO: 13's been received; is  
22 that correct?

23 JUDGE AMCHAN: Yes.

24 CROSS-EXAMINATION (CONT'D)

25 BY MR. TANSINO:

1 Q. Do you still have -- you've got a lot of  
2 paper in front of you there, I'm sorry.

3 A. That's okay.

4 Q. Exhibit 4, GC4, is that -- is that --

5 A. Yes.

6 Q. Okay. Drawing your attention to the second  
7 page, the -- the bottom of that e-mail.

8 A. Uh-huh.

9 Q. Do you know what Ms. Lunares was referring  
10 to when she said the upcoming election in Fairfield,  
11 based on the upcoming election in Fairfield?

12 A. I do not.

13 Q. Okay.

14 A. I mean, I -- I don't want to speculate as  
15 to what she was thinking, but --

16 Q. Well, are you aware that there was a union  
17 election in Fairfield this past summer?

18 A. I know that there have been various  
19 elections, or activity. And I'm -- I'm -- I'm not  
20 really involved in --

21 JUDGE AMCHAN: All right. He was  
22 just --

23 THE WITNESS: Yeah. No.

24 JUDGE AMCHAN: -- I would just answer  
25 yes or no, either I know or I don't know.

1 THE WITNESS: There could -- maybe.

2 I -- I don't want to say for certain, but it could --

3 JUDGE AMCHAN: So you -- you -- you  
4 don't know one way or the other.

5 THE WITNESS: Right.

6 MR. TANSINO: I'm -- I'm almost  
7 finished, I promise. Thank you for your patience.

8 CROSS-EXAMINATION (CONT'D)

9 BY MR. TANSINO:

10 Q. Let's just go back to Exhibit 2. I had one  
11 more question for you on that. One --

12 A. I think that's the one that I don't have.

13 Q. Oh.

14 THE COURT REPORTER: Is it  
15 Respondent's 2?

16 MR. TANSINO: GC2.

17 THE COURT REPORTER: GC2.

18 CROSS-EXAMINATION (CONT'D)

19 BY MR. TANSINO:

20 Q. Which is dated August 1st, 2012.

21 (The document was provided to the witness.)

22 A. Thank you. Uh-huh.

23 Q. Subject, "Re: Pilot."

24 A. Oh, okay. Uh-huh.

25 Q. This is -- you sent this e-mail to Webster;

1 right?

2 A. Yes.

3 Q. And -- and you -- you told him in the  
4 e-mail that if he feels passionate about being at any  
5 location in person, we can do that.

6 Did you know as of August 1st that you were  
7 going to be visiting Columbus?

8 A. I can't remember when we made our flight  
9 arrangements. I know that it was the week prior to us  
10 arriving.

11 MR. TANSINO: I -- I have nothing  
12 further. Thank you.

13 JUDGE AMCHAN: Do you have anything  
14 on redirect?

15 MR. HULT: I do not.

16 MR. DEML: Yes, a few questions,  
17 please.

18 JUDGE AMCHAN: I should have asked  
19 you first.

20 CROSS-EXAMINATION

21 BY MR. DEML:

22 Q. Good morning, Christine.

23 A. Hi.

24 Q. You -- you mentioned I used to work for  
25 Garda. Did our employment overlap at any point, or

1 have we ever communicated or met each -- communicated  
2 with or met each other before?

3 A. I have never met you.

4 Q. Okay.

5 A. And I couldn't say your dates of  
6 employment.

7 Q. Okay.

8 A. I don't -- I don't know.

9 Q. Okay. But we've never met or communicated  
10 with each other before.

11 A. I have never met you, no.

12 Q. Okay. When -- on what date did you become  
13 aware of the Union activity in Columbus?

14 A. I don't know, off the top of my head. I  
15 don't know.

16 Q. You don't know. Okay. You mentioned --  
17 you testified earlier that Scott Jacks, or you were  
18 told that Scott Jacks would be a tremendous resource  
19 for you --

20 A. Uh-huh.

21 Q. -- in -- specifically in -- in the heat  
22 abatement issue, or in other areas?

23 A. To -- to kind of get to the bottom of what  
24 was going on at that branch.

25 Q. Okay. Who told you that?

1           A.       I believe it was Lori Brown. It could --

2           Q.       Okay.

3           A.       -- it could have been Vincent. But those  
4   were -- those are the two people that -- that come to  
5   mind. It was either one or the other.

6           Q.       Okay. Did -- did either of those, whoever  
7   told you, speak highly of -- of Scott Jacks and his --  
8   his ability to help you?

9           A.       Lori said that, or she indicated, based on  
10   what she was -- had heard, that he would be a very  
11   good resource.

12                   But, again, I don't -- I don't recall if  
13   that came from -- I know she mentioned it, but Vincent  
14   may have mentioned it, as well.

15          Q.       Okay. I -- I find it interesting, and  
16   maybe you do, too, that within three weeks of the  
17   visit to Columbus this tremendous resource was  
18   unemployed.

19                   Were you involved at all in the decision to  
20   end his employment?

21          A.       I was not, no.

22          Q.       You didn't also testify that Jacks, when  
23   you spoke with him, just threw his hands up. Was that  
24   over --

25          A.       Figuratively speaking, yeah.

1 Q. Understood. Was that over specific  
2 difficulties he was having at the branch?

3 A. Mr. Jacks, I mean, in his own words, he was  
4 just worn out, and had kind of, this is what I mean by  
5 throwing my hands, like given up on, you know, the --

6 Q. Thank you. Did -- did he explain to you  
7 why he was at that state where he had given up, in  
8 your words?

9 A. I know that to me he voiced some employee  
10 -- he -- like I won't -- specifically asked him about  
11 the -- the bathroom and the facilities and the  
12 cleanliness. And his opinion was why am I going to  
13 clean it, they're just going to destroy it again.

14 And so there was -- that was one of the  
15 reasons why I kind of took control of the situation in  
16 Ohio, because, you know, as a member of management we  
17 can't -- we -- we still have a job to do.

18 We still have -- you know, we can't give  
19 up. We can't just stop providing a safe work  
20 environment, we can't stop cleaning, we can't stop  
21 cleaning up the oil spills, just, you know.

22 Q. Okay. Are you aware of Jacks' history with  
23 Garda in probably AT Systems before Garda, his  
24 relatively rapid rise through the management ranks?

25 A. He told me about it, yes.

1 Q. Okay.

2 A. Uh-huh.

3 Q. Do you recall anything specific about what  
4 he told you?

5 A. I believe he started out as a  
6 driver/messenger and moved his way up.

7 Q. Correct.

8 A. Yeah.

9 Q. Okay. Are you aware of previous management  
10 positions he had before Columbus?

11 A. I think he came from another branch.

12 Q. Okay.

13 A. I can't -- I don't recall if he was a  
14 manager at that branch or not.

15 Q. Okay. Would you agree that he was the  
16 branch manager in Cleveland before he was promoted to  
17 Columbus?

18 A. I don't know. I would not agree to it,  
19 because I don't know.

20 Q. Okay. You -- you testified earlier that  
21 you're aware that the -- some of the Union contracts  
22 have specific dress policies in them.

23 A. Have a specific what?

24 Q. Dress policies, when we were discussing  
25 shorts.



1           A.       I know that the contracts are specific. I  
2   don't know whether or not they include dress policies,  
3   specifically. But I know that -- that there are  
4   contracts that are specific to each --

5           Q.       Maybe I misunderstood you.

6           A.       Okay.

7           Q.       But I understood that you were referring to  
8   specific prohibitions in -- in the Union contracts  
9   regarding shorts.

10          A.       No.

11          Q.       Okay.

12          A.       Maybe I misstated that. No, I didn't --

13          Q.       Okay. Are you aware of Garda's Employee  
14   Handbooks?

15          A.       I'm aware -- yes, I'm aware of their  
16   existence --

17          Q.       Okay. And you're aware --

18          A.       -- or --

19          Q.       -- that -- that there are dress policies  
20   included in those for all employees, not just  
21   organized, unionized employees?

22          A.       I would probably need to look at one. I  
23   don't recall, specifically --

24          Q.       Okay.

25          A.       -- off the top of my head what it says.

1 Q. Okay. In an e-mail from, I believe, GC4 on  
2 8/3, August 3, my interpretation of that is that the  
3 final decision had not yet been made to go to  
4 Columbus?

5 A. On August 3rd, is that -- or maybe you can  
6 clarify. I'm not sure.

7 Q. Okay. Wednesday, August 1st. Correction,  
8 yes, Wednesday, August 1st?

9 A. Uh-huh.

10 Q. You -- you testified that your travel  
11 reservations were made the week before you traveled to  
12 Columbus?

13 A. Yes. I went to Columbus on a -- when -- if  
14 I follow the time frame, I arrived Monday night, I  
15 went there Tuesday. We worked on the -- we had the  
16 trucks --

17 Q. Okay.

18 A. -- worked on that -- yeah.

19 Q. But -- but you arrived in Columbus, then,  
20 on the 6th.

21 A. On Monday.

22 Q. Monday the 6th. On Wednesday, August 1st,  
23 five days before, you state -- and, again, this is  
24 GC4, the bottom of Page 3.

25 A. Uh-huh.

1 Q. "Program launch will occur over the next  
2 two weeks." Do you recall writing that?

3 A. Yes.

4 Q. Okay.

5 A. Uh-huh.

6 Q. Do you recall when you made your travel  
7 reservations, what specific date?

8 A. I don't.

9 Q. Okay.

10 A. I don't.

11 Q. Are you familiar with the Garda travel  
12 policy that requires you to make reservations two  
13 weeks in advance --

14 A. Yeah.

15 Q. -- with the exception of emergencies.

16 A. Yeah, I --

17 Q. Was --

18 A. -- it's -- I don't mean to chuckle, this  
19 subject actually just came up yesterday. With -- it's  
20 not something that my schedule, or my travel --

21 Q. But this --

22 A. -- really fits into.

23 Q. -- this trip to Columbus was deemed  
24 important enough that -- that the policy could be  
25 waived and you could make reservations short-term?

1           A.       I don't really use the policy, to be honest  
2 with you, with any -- I --

3                   JUDGE AMCHAN:   Well, let's go  
4 backwards.

5                   THE WITNESS:   Yeah.

6                   JUDGE AMCHAN:   I mean, he asked you  
7 are you aware of a Garda policy that says you have to  
8 make travel arrangements --

9                   THE WITNESS:   I am.

10                  JUDGE AMCHAN:   -- two weeks before  
11 travel.

12                  THE WITNESS:   I am aware of a written  
13 policy, yes.

14                  JUDGE AMCHAN:   And then the next  
15 question was -- I don't know what your next question  
16 was.   I mean --

17                                  CROSS-EXAMINATION (CONT'D)

18 BY MR. DEML:

19           Q.       Next question was, was the trip deemed  
20 important enough that -- that you could violate that  
21 policy and make reservations inside of the -- the two-  
22 week minimum?

23           A.       I -- I'm not trying to avoid your question,  
24 it's just I've never used the policy.   I'm aware of  
25 it, but I've never used it.

1                   So I didn't -- I don't view my travel  
2 arrangement as a violation, so I don't want to say  
3 yes. But then I don't --

4           Q.       Okay.

5           A.       -- want to say no, because --

6           Q.       And -- and if I could -- could rephrase,  
7 then.

8           A.       Uh-huh.

9           Q.       Do you routinely make airplane reservations  
10 on very short notice to kick off pilot programs?

11          A.       No, I don't.

12          Q.       Thank you. Okay. After your August 6th  
13 visit to Columbus, and -- and how many people attended  
14 this, or flew in with you, was it four?

15          A.       One. One other person came in with me.

16          Q.       One other person being?

17          A.       Flew in. Your question was how many people  
18 --

19          Q.       Yes. And who was that?

20          A.       I'm sorry?

21          Q.       And who was it that -- that came with you?

22          A.       Lonnie Lewis.

23          Q.       Lonnie. Webster Lubemba was not there?

24          A.       He did not come in with me, no.

25          Q.       Was he there on that -- on that date, on

1 August 6th?

2 A. I don't know what time he got in. I saw  
3 him there on Tuesday.

4 Q. On the 7th

5 A. Uh-huh. Yeah.

6 Q. Okay. And it would make sense that Webster  
7 not travel with you, since he lives in a different  
8 state than you do.

9 A. Right. Yeah.

10 Q. Okay. What -- on-site follow-up was  
11 conducted after August 30th in Columbus regarding your  
12 pilot program.

13 A. What, on-site follow-up?

14 Q. Yes. Three people went into Columbus to --  
15 to kick off the pilot.

16 A. Uh-huh.

17 Q. Did anybody go back to Columbus at any date  
18 after the Union vote on August 30 to check the status  
19 of the pilot?

20 A. I don't -- I haven't been back to Columbus.

21 Q. Okay.

22 A. But I can't speak to other people.

23 Q. And I'm -- I guess I'm just trying to  
24 understand why it was so important that -- that short-  
25 term airline reservations would be made --

1 A. Uh-huh.

2 Q. -- to get to Columbus on that specific  
3 date, but that there was no on-site follow-up now five  
4 months later to see how the -- whether the program was  
5 successful or not.

6 A. Do you want me to answer?

7 Q. If -- if you can, please.

8 A. Okay. As far as the urgency to go, there  
9 was a significant issue with the trucks, the number of  
10 the trucks that were out of commission.

11 Regarding on-site follow-up on the pilot,  
12 it's not a practice of the pilot to make a follow-up  
13 trip. All of the branches that we see on the list, we  
14 have interaction with them periodically all the time.

15 Q. Okay. Have -- have you visited each of  
16 those branches on that list?

17 A. No. No. No.

18 Q. Okay. You testified that the -- that  
19 roughly 25 branches on that spreadsheet, the list we  
20 just referred to, were based on -- on claims, and OSHA  
21 claims, employee complaints; is that correct?

22 A. This list is, again, just me keeping myself  
23 organized. And it's regarding anything that came on  
24 my radar for a specific branch.

25 Q. Correct.

1           A.       It could have been an e-mail from Steve  
2 Morss, or Vincent Modarelli, or Ms. Tennyson's e-mail,  
3 or -- you know, I have a lot of things coming at me.

4           Q.       Okay. Very good. And I just briefly  
5 scanned that list, but I believe of the -- of the  
6 seven branches that -- that were identified as needing  
7 the pilot program in -- in the short-term, only three  
8 of them are on your spreadsheet as -- as being on --  
9 on your radar.

10                   And -- and I'm curious why the other four  
11 branches involved with the pilot were not on your  
12 radar until your -- shortly before your visit to  
13 Columbus.

14           A.       Uh, let's see who's on there. We've got  
15 Columbus. We've got Edison. We don't have --

16                   JUDGE AMCHAN:   Fairfield --

17                   THE WITNESS:   -- Fairfield.

18                   JUDGE AMCHAN:   -- Stratford, and  
19 Wilmington are not on the list.

20                   THE WITNESS:   Yeah. I don't -- I  
21 don't know when this was printed. This is -- like I  
22 said, it's kind of a -- a working spreadsheet that I  
23 -- it's --

24                   CROSS-EXAMINATION (CONT'D)

25           BY MR. DEML:



1 Q. Okay. Yes, and -- and you testified --

2 A. -- it's evolving, I would say. I don't  
3 know when this was printed.

4 Q. -- you testified you couldn't recall, but  
5 -- but it was either October or November that you last  
6 updated this.

7 A. That's my guess.

8 Q. And -- and yet we still don't have all of  
9 the seven branches that were involved in the pilot as  
10 -- as being on your self-described radar.

11 A. Uh-huh. Yeah, it's --

12 JUDGE AMCHAN: When you said "this,"  
13 you're referring to R2?

14 MR. DEML: R2, correct.

15 THE WITNESS: Yeah.

16 CROSS-EXAMINATION (CONT'D)

17 BY MR. DEML:

18 Q. Okay.

19 A. Yeah, I don't know they're not. I don't  
20 know why they're not on there. I don't know when this  
21 was printed.

22 Q. Okay. Okay, fair enough.

23 A. Yeah.

24 Q. Did you visit, of the -- of the seven  
25 branches that are detailed in GC13 (sic) on Page 3,

1 did you personally visit each of those branches?

2 A. No, I did not.

3 Q. How many of those --

4 A. 13, I have 13 as Ms. Tennyson's --

5 Q. Correction, GC3, I believe it is.

6 A. 3.

7 Q. Yes, it's -- I'm sorry, I'm looking at the  
8 wrong one.

9 JUDGE AMCHAN: 4.

10 MR. DEML: 4, correction.

11 JUDGE AMCHAN: On the first page of 4  
12 there's a list of the seven.

13 THE WITNESS: I'm sorry, what was  
14 your question?

15 CROSS-EXAMINATION (CONT'D)

16 BY MR. DEML:

17 Q. How many of those -- well, you've stated  
18 you didn't visit each of those branches. How many of  
19 the branches did you visit as part of the pilot?

20 A. I have been to Columbus, Wilmington, I  
21 think there -- I haven't been to New Jersey, haven't  
22 been to Connecticut, Massachu -- nope, it's just the  
23 two, Wilmington and Columbus is --

24 Q. Okay. Do you recall when you visited the  
25 Wilmington Branch?

1 A. I don't. I don't. I don't know.

2 Q. Is that the branch that Vince Modarelli  
3 normally works out of?

4 A. Yes. Yep.

5 Q. Thank you. I believe you testified earlier  
6 you have 1200 OSHA claims per year?

7 A. No.

8 Q. Okay. What was the number of -- roughly,  
9 what is the number of claims that you receive? Maybe  
10 it was OSHA and Workers' Comp.

11 A. I think the 1200 that you're referring to  
12 are, they're claims, insurance claims.

13 Q. Okay. So that would be vehicle crashes --

14 A. Workers' Comp --

15 Q. -- Workers' Comp.

16 A. -- general liability.

17 Q. General -- okay.

18 A. Uh-huh.

19 Q. All right. How -- roughly, how many  
20 employees does Garda have?

21 A. It depends on which business unit you're --

22 Q. Specifically, the operations end. The  
23 armored and the money -- money counting. Would 5,000  
24 be a fair number, give or take?

25 A. Are you talking about just

1 driver/messengers?

2 Q. Driver/messengers and cash vault staff.

3 A. I don't know, specifically.

4 Q. Okay.

5 A. I don't know.

6 Q. Would you like to limit it to

7 driver/messengers?

8 A. I don't know. It would just be a guess. I  
9 don't know.

10 Q. Okay.

11 A. I -- I believe we have about 4,000 trucks.

12 So two people on each truck, I mean, that -- 5,000

13 seems low to me, if that's -- I don't know.

14 Q. Okay. All right. That's -- I'll move on.

15 The -- in the Columbus operation, you said one of the

16 restrooms in the -- in the garage or bay area was

17 inoperative when --

18 A. Uh-huh.

19 Q. -- you arrived?

20 A. I believe so, yeah.

21 Q. Did you check to see for how long that had  
22 been inoperative?

23 A. No, that was -- Webster can probably speak  
24 to that.

25 Q. Okay. I don't -- I don't know how long.

1 MR. DEML: Okay. Great. Thank you,  
2 Ms. Bouquin. No more questions, Your Honor.

3 JUDGE AMCHAN: Do you have anything  
4 else?

5 MR. HULT: I don't, Your Honor.

6 JUDGE AMCHAN: You can step down.  
7 Thank you.

8 THE WITNESS: Okay. Do you want  
9 these?

10 JUDGE AMCHAN: Just leave everything  
11 there.

12 (WITNESS EXCUSED)

13 MR. HULT: Go off the record for one  
14 second?

15 JUDGE AMCHAN: Sure.

16 (Off the record.)

17 JUDGE AMCHAN: Back on the record.

18 MR. HULT: Briefly, before I begin  
19 asking questions for Mr. Lubemba, I wanted to put on  
20 -- on record our objection to Mr. Deml asking  
21 questions, because he is a former Garda employee, now  
22 I understand employed with the Union. That's it.

23 JUDGE AMCHAN: Okay. And just so the  
24 record's clear, you didn't object prior to his -- you  
25 -- you hadn't raised that before.

1                   MR. HULT: I had not raised that  
2   objection prior to the cross-examination of  
3   Ms. Bouquin.

4                   JUDGE AMCHAN: Right. Okay.

5                   MR. HULT: I'll -- I'll restate it  
6   again briefly before, if he has any questions for  
7   Mr. Lubemba, though, at least --

8                   JUDGE AMCHAN: Okay.

9                   MR. HULT: -- to make everything a  
10  little clearer.

11                  JUDGE AMCHAN: Okay. Well --

12                  MR. HULT: Good -- sorry.

13                  JUDGE AMCHAN: -- you're going to  
14  call him, and I'm going to swear him in.

15                  MR. HULT: Respondent will call  
16  Webster Lubemba.

17                  JUDGE AMCHAN: If you'd raise your  
18  right hand.

19  WHEREUPON,

20                         WEBSTER LUBEMBA,

21  A witness herein, having been first duly cautioned and  
22  sworn, was examined and testified as follows:

23                         DIRECT EXAMINATION

24  BY MR. HULT:

25           Q.       Webster, would you spell your name for the

1 court reporter, please?

2 A. Webster Lubemba. Webster, (W-E-B-S-T-E-R).  
3 Last name is spelled as (L-U-B-E-M-B-A-).

4 Q. Thank you, Webster. What is your job  
5 title?

6 A. Health and safety manager.

7 Q. When -- and who do you work for?

8 A. Christine Bouquin.

9 Q. What company?

10 A. Garda Cash Logistics.

11 Q. And when were you hired by Garda?

12 A. On or around July 27th, 2005.

13 Q. What is your -- your base location?

14 JUDGE AMCHAN: 2005?

15 THE WITNESS: 2005.

16 JUDGE AMCHAN: Okay.

17 THE WITNESS: Smyrna, Georgia.

18 DIRECT EXAMINATION (CONT'D)

19 BY MR. HULT:

20 Q. When did you move into the role of -- of  
21 health and safety manager for Garda?

22 A. I believe beginning of 2012.

23 Q. When did you begin working with Ms. Bouquin  
24 regularly?

25 A. Beginning, I believe beginning of June, end

1 of May, somewhere thereabout.

2 Q. What year?

3 A. 2012.

4 Q. What are your -- your daily job duties as a  
5 health and safety manager for Garda?

6 A. Generally, interaction with operations  
7 management, manage -- branch managers in relation to  
8 health and safety-related and compliance agencies.

9 Q. You -- you mentioned compliance agencies.  
10 Does your position then have some connection to the  
11 worker safety regulatory systems that we have in the  
12 United States?

13 A. Yes, sir.

14 Q. Any of these agencies that you work with or  
15 interact with more frequently than others?

16 A. Yes, sir.

17 Q. Which -- what are they?

18 A. OSHA, DOT, and to some extent, the EPA.

19 Q. Do you have regular correspondence with  
20 OSHA, in particular?

21 A. Yes.

22 Q. Do you respond to inquiries from OSHA?

23 A. Yes.

24 Q. If there is -- the Company receives notice  
25 from OSHA about a potential violation, are you at all



1 involved in the investigation or in the Company's  
2 response?

3 A. Yes, sir, I am.

4 Q. With respect to OSHA, in particular, maybe  
5 all of these agencies, what is the ultimate goal, or  
6 your ultimate goal in your interactions with these  
7 agencies?

8 A. Primarily timely response and mitigation of  
9 any issues that come -- that have arised.

10 Q. So if you received notice, either a call or  
11 in letter form, from OSHA about a potential violation  
12 or an issue of a potential infraction, what does your  
13 job entail, what are your job responsibilities, at  
14 that point?

15 A. Assess the claim or/and complaint content.  
16 Determine the validity of the complaint or/and the  
17 content of the complaint items.

18 Where possible, verify either personally,  
19 or with on site personnel, and correct the issues as  
20 it pertains to the complaint.

21 Q. Does your -- your job require that you go  
22 on site at times?

23 A. Yes.

24 Q. How often would you say you go to a Garda  
25 facility?

1           A.       On average, a quarter -- per quarter maybe  
2   four to six times.

3           Q.       How long is your average on site trip, if  
4   you could estimate?

5           A.       Two to three days, sometimes longer,  
6   depending on the issues.

7           Q.       Why -- why would you say you go on site?

8           A.       In most cases, it's -- it's verification of  
9   the actual issues, if they exist. My personal  
10  involvement on the base of the fact that I am the one  
11  that personally responds to OSHA.

12                    So the -- the -- the personal liability  
13  there, I have to make sure that what I'm putting in  
14  that response is legitimate. And, ultimately, the  
15  liability on the Company is covered, as well.

16          Q.       So if you are on an on site trip and you  
17  verify, using your term, that there's something that  
18  you believe if -- could be an infraction or is an  
19  infraction, what do you do?

20          A.       It's corrected with all reasonable  
21  resources available.

22          Q.       Let's turn to 2011 and 2012, in particular.  
23  Did you have occasion, during those years, to be  
24  involved in correspondence with OSHA, or -- or in  
25  response to inquiries from OSHA?

1           A.       Yes, I did.

2           Q.       During those two years, in particular, was  
3 there -- were there any consistent types of  
4 correspondence from OSHA alleging recurring, or a  
5 specific violation that was recurring more often in  
6 some of our facilities?

7           A.       Yes.

8           Q.       What was that violation, or alleged  
9 violation?

10          A.       The -- the -- the most significant one was  
11 heat-related issues during the course of the summer  
12 months.

13          Q.       Well, what were those, generally, if you  
14 could describe the correspondences from OSHA, what --  
15 what were the heat-related issues they were raising?

16          A.       The -- the -- the main complaints would be  
17 in relation to our trucks and what I would term  
18 insufficient air conditioning on the trucks.

19          Q.       Particular in the summer of 2012, and the  
20 summer of 2011, what -- what was the scope of this  
21 problem, at least as you viewed it, and as from the  
22 correspondences you were receiving from OSHA?

23          A.       That the -- the main -- the core of the  
24 complaint was heat on this mitigation.

25          Q.       Did you receive correspondence from OSHA in

1 different parts of the country?

2 A. Definitely, yes.

3 Q. Where are some of these different

4 locations?

5 A. Edison, New Jersey, Michigan, most of the  
6 California branches, a couple in the Georgia area, a  
7 couple in Texas. Just to mention the ones I directly  
8 recall.

9 Q. Do you recall receiving, or being made  
10 aware of an OSHA inquiry in Columbus in 2011 regarding  
11 heat-related issues?

12 A. Yes, I do.

13 Q. Mr. Lubemba, do you recognize the, I  
14 believe, four pages that are in front of you?

15 A. Yes, I do.

16 Q. What -- what are -- or what is contained in  
17 these four pages?

18 JUDGE AMCHAN: Are you going to mark  
19 this all a joint exhibit?

20 MR. HULT: We will mark this as, I  
21 believe, Respondent 3.

22 JUDGE AMCHAN: Okay.

23 MR. TANSINO: That's four pages?

24 MR. HULT: Yes.

25 MR. TANSINO: Do you have an extra

1 copy for the Charging Party?

2 MR. HULT: Yes, I believe I do here.  
3 I'm certain I do, actually.

4 (Whereupon, Respondent's Exhibit Number 3  
5 was marked for identification.)

6 DIRECT EXAMINATION (CONT'D)

7 BY MR. HULT:

8 Q. Looking again at -- at what's marked as  
9 Respondent's Exhibit 3, do you recognize these four  
10 pages, Webster?

11 A. Yes, I do.

12 Q. What are they?

13 A. They are an official complaint letter from  
14 OSHA.

15 Q. What is this complaint letter from OSHA  
16 referencing, or describing?

17 A. Lack of air conditioning on some of our  
18 trucks.

19 Q. Where was this letter sent?

20 A. I'd like to believe directly to the branch.

21 Q. Who is the letter addressed to?

22 A. Garda. Scott Jacks, the branch manager.

23 Q. Turning to Page 3 -- well, let's -- sorry.  
24 One more question on this. The second full block  
25 paragraph down, the paragraph begins, "We have not

1 determined."

2 Does that paragraph contain a deadline by  
3 which Mr. Jacks is obligated to respond to OSHA?

4 A. Yes, it does.

5 Q. What day is the letter from the Department  
6 of Labor and OSHA addressed to Mr. Jacks?

7 A. July 22nd.

8 Q. And what day is the deadline by which he  
9 must respond?

10 A. June 30th.

11 Q. Presumably, that might be a clerical error  
12 on OSHA's part. I won't worry about that. All right.

13 Is it reasonable to assume, if the letter's  
14 dated July 22nd, that perhaps OSHA meant July 30th?

15 A. Yes, it is.

16 MR. TANSINO: Well, it could also  
17 mean that the letter should have been dated June 22nd,  
18 I think.

19 MR. HULT: Okay. That's fair.

20 THE WITNESS: Or in -- or in  
21 retrospect, yeah.

22 DIRECT EXAMINATION (CONT'D)

23 BY MR. HULT:

24 Q. What is -- what are in the contents of Page  
25 3 and 4?

1           A.       This would normally be our response from  
2   Garda to OSHA.

3           Q.       If you're preparing a response to OSHA from  
4   Garda, is it usually in a form similar to what are in  
5   Page 3 and 4 here?

6           A.       Yes, it is.

7           Q.       If you're preparing a response to OSHA, can  
8   you generally describe what the contents of that  
9   response would include?

10          A.       They will -- the contents will normally be  
11   our position with regards to health and safety as a  
12   company. It will be the course of action taken or to  
13   be taken in correcting those issues.

14                 The actual dates when the issues were  
15   resolved. And in most cases, supporting documentation  
16   in reference to correction of whatever issues will  
17   have been raised.

18          Q.       Are you aware, specifically, of whether  
19   Mr. Jacks responded to this correspondence from OSHA  
20   in June or July of 2011?

21          A.       Specifically, Mr. Jacks?

22          Q.       Yes.

23          A.       No, he did not.

24          Q.       You mentioned, when discussing some of the  
25   compliance and regulatory issues, that there were

1 OSHA-related heat complaints in Decembers of 2011 and  
2 2012.

3 At some point, did you become familiar with  
4 the Company's pilot program for heat mitigation?

5 A. Yes, I did.

6 Q. When was the first time you heard  
7 discussion, even, about that pilot program?

8 A. I'd like to say, without being specific the  
9 dates, I believe towards the end of July.

10 Q. What -- what year?

11 A. 2012.

12 Q. When did Ms. Bouquin become director of  
13 risk management for the Company, to the best of your  
14 knowledge?

15 A. The best of my knowledge, on or around the  
16 same time I started reporting to her, which would have  
17 been either end of May, beginning of June 2012.

18 Q. Do you recall any correspondence about this  
19 pilot program in June of 2012?

20 A. Yes, I do.

21 Q. To the best of your recollection or -- or  
22 as you can describe, what was the purpose, as you  
23 understood it of -- of this pilot program, or what was  
24 it?

25 A. Heat illness mitigation, and an effort to



1    reduce OSHA-related complaints, in as far as our  
2    trucks were concerned and the air conditioning was  
3    concerned.

4            Q.        Did you consider remedial measures as part  
5    of this pilot program?

6            A.        Certainly, we did.

7            Q.        Just briefly give me a couple of those  
8    options, at least, that were considered from your --  
9    as best you can remember.

10           A.        Well, considering the size of the fleet and  
11   the different geographical situations where our  
12   branches are located, there were branches that were  
13   more prioritized than others on the basis of either  
14   regional temperatures or/and what I would call decay  
15   in the -- in some of the trucks, in some of the  
16   mechanical condition of the trucks.

17                    And some of the options we looked at were  
18   primarily the -- the most reasonable and the easiest  
19   was provision of hydration, water.  Reeducating  
20   employees where possible, considering the training  
21   resources that we had on the ground.

22                    In some facilities, we -- we toyed with the  
23   idea of rooftop-mounted air conditioning units as you  
24   would find on -- on RV's.  Some branches we went as  
25   far as installing water coolers, Igloo water coolers

1 on the trucks.

2 And in -- in this -- in -- in -- in  
3 relation to the Igloo water coolers on the trucks,  
4 that had been as a result of a direct OSHA inspection  
5 in one of the branches.

6 And, the inspector had cited the fact that  
7 we needed to ensure that we're putting a minimum of  
8 five gallons of water on the trucks, in addition to  
9 whatever the employees were able to access on -- on  
10 route, those that wanted Gatorade, et cetera.

11 But, primarily, those are the ones that I  
12 -- that pop out of my head immediately.

13 Q. Was Columbus involved in this pilot  
14 program?

15 A. Yes, it was.

16 Q. Why was Columbus involved in the pilot  
17 program?

18 A. Looking at the size of the fleet in  
19 Columbus and the number of trucks that had gone done,  
20 there were several factors that -- that played into  
21 Columbus.

22 One was this very situation where the  
23 previous year we had -- this -- this number 14 trucks  
24 is almost the entire fleet.

25 And as of the time we were toying of the

1 pilot program and pooling ideas, there were 7 trucks  
2 that went down, and growing. So that was -- that was  
3 the primary reason.

4 JUDGE AMCHAN: I don't think you ever  
5 moved for the admission of R3.

6 MR. HULT: I always forget to do  
7 that. I'm going to move for admission of Respondent's  
8 3.

9 VOIR DIRE EXAMINATION

10 BY MR. TANSINO:

11 Q. Did you receive a -- a copy of this letter  
12 when it was sent?

13 A. The --

14 JUDGE AMCHAN: Which -- which one?

15 Q. The -- I'm -- I'm talking about the -- the  
16 top two pages, the July 22nd.

17 A. I was privy to it, but I hadn't officially  
18 received it for action.

19 Q. How -- how -- how did you see it?

20 A. At the time, I was transitioning into  
21 health and safety. The issues normally would have  
22 fallen under the umbrella of Human Resources and  
23 Legal. So I was gradually getting into the  
24 department.

25 You will notice around this time there are

1 some OSHA issues that I do respond to. So as we're  
2 building the database, and as I was getting  
3 acclimatized to my new role, I was privy to a lot of  
4 OSHA issues.

5 Q. Did you draft the second letter there, the  
6 one dated July 28th?

7 A. It's difficult for me to recall, but there  
8 is a possibility that I did draft it.

9 Q. Mark Livingston, did you work under Mark?

10 A. What would normally happen would be, once  
11 again, being I was transitioning into the role, I had  
12 mentors that I would consult in different issues.  
13 And, subsequently they would, you know, authorize my  
14 work.

15 Q. Did you -- did you visit this site at --  
16 and -- at this time?

17 A. No, I did not.

18 MR. TANSINO: I have no objection.

19 Did you have want to --

20 JUDGE AMCHAN: Do you have anything?

21 MR. DEML: No questions.

22 JUDGE AMCHAN: It's received.

23 (Whereupon, Respondent's Exhibit Number 3  
24 was received into evidence.)

25 DIRECT EXAMINATION (CONT'D)

1 BY MR. HULT:

2 Q. I have just a couple questions for  
3 clarification on this reorganization. I apologize.

4 The -- you started up -- moved into or  
5 transitioned into the position of health -- health and  
6 safety manager you said around May or June of -- of  
7 2012, around the time Ms. Bouquin was transitioning,  
8 as well?

9 A. Prior to that, the beginning of the year.

10 Q. Could you just explain, you mentioned sort  
11 of a reorganization, what the Company structure was  
12 before, and what the Company then was after this --  
13 this transition with respect to your position,  
14 Ms. Bouquin's -- Ms. Bouquin's position, and maybe the  
15 way that the Company dealt with OSHA complaints?

16 A. Through the course of my time with the  
17 Company, DOT issues, EPA issues, OSHA issues, would  
18 normally be handled by the Legal Department, and to  
19 some degree, with the support of Human Resources.

20 And, once again, the other training, the  
21 Vehicle Maintenance Services or -- or department  
22 support within the Company. There was no clear  
23 structure as to how issues would be mitigated or  
24 resolved.

25 Through the course of 2011, I was split

1 between a health and safety compliance officer and the  
2 Training Department, and gradually leaned towards  
3 health and safety.

4 So as the year turned over into 2012, as  
5 changes were being made, I fully took on the role of  
6 health and safety manager.

7 Now, prior to Ms. Bouquin coming on board,  
8 my supervisory structure was, I would say, I reported  
9 through the vice president of Human Resources.

10 And issues such as these, I would go out in  
11 the field resolve or/and where branches were able to  
12 resolve them themselves, branches that had the  
13 resources and the manpower and the management to  
14 resolve would resolve themselves with my guidance and  
15 input.

16 Now, when Ms. Bouquin came on board, I  
17 transitioned to report directly to her and fully took  
18 on the role of health and safety.

19 Q. Thank you. When we were speaking about  
20 Columbus and the pilot program, did you have occasion,  
21 in the summer of 2012, to visit Columbus?

22 A. Yes, I did.

23 Q. Now, immediately upon -- immediately before  
24 arriving at the facility, or in advance of arriving at  
25 -- at the facility, what was your understanding of the

1 problems, the full scope of, excuse me, the full scope  
2 of why you were being sent to Columbus?

3 A. If my memory serves me correctly, my  
4 instructions were to determine the status and the  
5 condition of the trucks as it pertains to air  
6 conditioning.

7 Q. And did anybody -- did you have any  
8 knowledge in advance of actually showing up on the  
9 facility of potential problems or issues with respect  
10 to the bathrooms at the Columbus facility?

11 A. No, I did not.

12 Q. Any knowledge in advance of showing up at  
13 the facility of potential issues with the garage in  
14 Columbus?

15 A. No, I did not.

16 Q. Any other potential issues that you felt  
17 were relevant to you as your role in health and  
18 safety?

19 A. No, I did not. That was the first time I  
20 was visiting that facility.

21 JUDGE AMCHAN: So you talked about  
22 your instructions. You got them from Ms. Bouquin?

23 THE WITNESS: Yes, sir.

24 DIRECT EXAMINATION (CONT'D)

25 BY MR. HULT:

1           Q.       What day did you first visit the Columbus  
2 facility in 2012, summer of 2012?

3           A.       It was the second week of August, I believe  
4 around the 6th or the 7th.

5           Q.       This is an open-ended question here. But  
6 tell me a little bit about what you observed when you  
7 first toured the Columbus facility.

8           A.       I don't know how to describe it. It was a  
9 facility that was -- it had a lot of housekeeping  
10 issues. Let me say it was -- it was a facility in  
11 disrepair. I think that would be -- that will sum it  
12 up.

13          Q.       How would you compare it to other  
14 facilities that you had visited up and to that -- up  
15 to that point?

16          A.       Can I use the general scale of one through  
17 ten?

18          Q.       Sure.

19          A.       I would say, on the basis of a similar  
20 branch, same size, same similar truck fleet and  
21 manpower, on a scale of one to ten, maybe a four.

22          Q.       When you arrived in Columbus, did you have  
23 an opportunity to view and inspect the trucks --

24          A.       Yes, I did.

25          Q.       -- in the fleet? What did you find?



1           A.       One truck we had that's a driver's seat  
2   that was welded to -- welded to the floor to where the  
3   truck was restricted to one particular sized employee  
4   to drive.

5                   And this employee was just, give or take,  
6   five feet tall, restricting that particular employee  
7   to drive that truck. That was one issue.

8                   Normally, going to a facility in the  
9   morning as the operation starts its day or/and in the  
10  evening when the employees are coming in, mainly to  
11  interact with them and observe that -- the trucks,  
12  themselves, pre-trips, the issues with the trucks, et  
13  cetera.

14                  But in this particular case, there were  
15  trucks that had, I mean, were leaking fluid to a point  
16  where if the truck shut down, all the oil, all the  
17  coolant leaked out.

18                  The truck had to be kept running. Trucks  
19  at to keep cases of petroleum, or oil, or transmission  
20  fluid on their trucks.

21                  And in a couple cases there were trucks  
22  with no keys. Employees were using screwdrivers to  
23  open the door locks.

24                  I had one truck that had a messenger seat  
25  that didn't have -- it had a seat belt, but the seat

1 belt didn't have the retracting mechanism functioning  
2 properly.

3           There were trucks that had drive tires that  
4 were uneven. There was one truck that was due for, I  
5 think, for -- for it looked like, or I -- I assumed,  
6 it looked like it was due for a -- for a pinion  
7 change, because the tires were wearing off from the  
8 inside.

9           And those are just some of the issues that  
10 -- that just stood out. There were a couple trucks  
11 with windshields with -- that were delaminating, that  
12 the armored glass is heavily laminated.

13           And at times when they're doing maintenance  
14 they're welding, et cetera, it'll crack. And once  
15 water or air gets in between, it starts to -- to snow  
16 or milking in between. But, those are just some of  
17 the issues.

18       Q.     What did -- what actions, if any, did you  
19 take upon discovering these issues with the trucks?

20       A.     It -- it was, for me, was kind of an -- an  
21 awkward and difficult position. Because everything  
22 that I was seeing was either an OSHA violation, a DOT  
23 violation.

24           And the way I was looking at it was, most  
25 of these trucks should have been pulled out of service

1 a long time ago.

2 And there were two trucks that physically  
3 had seized, locked up AC compressors, to where when  
4 the engines were running, they had to stop every so  
5 often to let them cool off.

6 So it's that -- it's -- it's one of those  
7 situations where my observations were split between  
8 compliance and internal security.

9 So you've got compliance items to where  
10 they're bearing on employee health and safety, and  
11 you've got security issues where by virtue of what we  
12 do, trucks are exposed, so --

13 Q. So what conclusions, if any, did you make  
14 upon your -- the complete review of these trucks?

15 A. I mean, between the door and the trucks,  
16 there were other issues that caught my attention. But  
17 I picked up the phone, I spoke to, I think he's their  
18 assistant director or vice president of -- responsible  
19 for the fleet, his name is Mike Diacont.

20 I spoke to him. I updated my boss. And we  
21 started looking at trying to see when -- because I  
22 believe a week or two prior to that, they had had  
23 mechanics come in.

24 But these mechanics were coming in to do  
25 preventative maintenance for which they were unable to

1 do everything they needed to do because of the other  
2 issues that were coming -- falling in between not  
3 enough trucks, trucks that need to be serviced are  
4 being put on the road, and that kind of thing.

5 So in talking to -- to -- to Mike Diacont,  
6 he started to see where he could pull mechanics to  
7 come in, at the minimum, at a minimum, just do  
8 preventative maintenance.

9 Q. Now, you mentioned some issues involving a  
10 mirror and seats, and screwdriver entry into trucks.  
11 Were -- were -- were you aware of any non-heat or heat  
12 mitigation issues affecting these trucks before you  
13 arrived at the Columbus facility?

14 A. No.

15 Q. So were repairs to these trucks ultimately  
16 made?

17 A. Ultimately, yes, they were made, not fully,  
18 but the work got started.

19 Q. In addition to the trucks, themselves, did  
20 you see any issues in the garage where these trucks  
21 are -- are stored?

22 A. Yes, I did.

23 Q. Would you describe?

24 A. We had -- we had oil leaks on that floor  
25 that were, in the eyes of an OSHA inspector, they were

1 -- they were a fire hazard, they were a slip-and-fall  
2 hazard, they were an EPA hazard.

3 We had electrical panels that weren't  
4 screwed on. Receptacles that had hanging wire. We  
5 had extension cords on the floor where there should be  
6 no extension cords sitting in pools of oil.

7 And when I use an example of an oil -- of  
8 an electrical cord sitting in a pool of oil, I'm not  
9 talking about engine oil and then electrical cord  
10 conveniently finds itself there.

11 I'm talking about hydraulic oil that's  
12 stored in -- in -- in a large container leaking  
13 against the wall and that -- this electrical cord  
14 sitting there. There's a forklift charger sitting  
15 there.

16 There's -- there's -- there's -- there's  
17 steel screens that have been pulled off a truck  
18 sitting under fire extinguishers. If there was a  
19 fire, you can't reach those fire extinguishers.

20 So it was a combination of issues. There's  
21 a compressor in that facility that nobody could  
22 explain to me the last time it was ran or serviced.  
23 It had combustible dust on it. It was leaking oil.

24 It was still connected to the wall -- to --  
25 to the power outlet. So, in -- in my eyes, it still

1   functioned.  If an employee powers it up, what's going  
2   to happen -- what's likely to happen.

3           Q.       Did you have the issues you've just  
4   described remedied?

5           A.       I, personally, saw to it that they were  
6   remedied.

7           Q.       Why did you have them remedied?

8           A.       Simply due to the fact that I'm privy to  
9   them, I've seen them.  I'm obligated to fix them, by  
10  virtue of my -- my job title.

11          Q.       Did you have occasion to see any of the  
12  bathrooms in the facility?

13          A.       That was another thing that caught my eye.  
14  When I went to use the restroom myself, I couldn't use  
15  the men's restroom.  I was diverted to the female  
16  restroom, which --

17          Q.       Why couldn't you use the men's restroom?

18          A.       It -- it was filthy.  It was disgusting.

19          Q.       Did you have that repaired?

20          A.       I tried to do what I could with my own  
21  hands, which was limited.  And I got in touch with,  
22  there's a division of the Company, of Garda that does  
23  in-house maintenance work.  I got in touch with a  
24  gentleman called Jimmy Ellams.  I made him aware.

25                   He was looking at it from more of a

1 perspective of let's not patch it up. Let me have  
2 somebody come in there and do a full assessment and  
3 we'll go from there.

4 But we did what we could while we were  
5 there, with more work that was still pending.

6 Q. Did you have occasion to see an emergency  
7 eyewash station?

8 A. Yes, I did.

9 Q. Why do you have an emergency eyewash  
10 station at the facility?

11 A. They directly deal with battery acid.  
12 They're -- they're refuel -- they are -- they are  
13 topping off engine coolant, they are topping off  
14 petroleums. I mean, there's a potential for an eye  
15 splash.

16 Q. Did you -- was the eyewash station, upon  
17 your arrival, functional?

18 A. It was empty, and it was covered in what I  
19 would consider to be combustibile dust.

20 Q. Viewing the issues with the restrooms and  
21 the eyewasher, in particular, did you view these as --  
22 as OSHA risks?

23 A. Yes, I did.

24 Q. Why?

25 A. The restroom, the bathroom, that's --

1 that's an unsanitary environment. And I -- I -- not  
2 only is it personal to me, all compliance aside, but I  
3 did not believe 30-something employees should be  
4 sharing one restroom that's directly accessible from a  
5 trucking bay.

6 It -- it -- it doesn't give any respect to  
7 our employees from a privacy perspective, and they  
8 deserve a clean environment. It -- it's our  
9 responsibility to provide one.

10 Q. Did you repair the eyewash area?

11 A. The eyewash area was -- was a very simple  
12 fix. It -- it just needed cleaning, washing with tap  
13 water, remounting it, and ordering solution for it.

14 Q. In any of your interactions or  
15 correspondence with OSHA in 2011 or 2012 with respect  
16 to heat mitigation, did OSHA give you any guidelines  
17 or instructions, or were you privy to any information  
18 about hydration requirements for employees?

19 A. In some states, more so stringent than  
20 others, yes.

21 Q. Can we just have a brief summary of what  
22 those requirements were?

23 A. I can either call this employee education,  
24 reeducation with regards to heat illness, or providing  
25 employee awareness towards heat illness or/and heat --



1 heat-related illness.

2           The -- the one instance where we directly  
3 dealt with OSHA in California, they were actually very  
4 -- not only were they stringent, but they were very  
5 supportive in guiding us in what they wanted to see in  
6 that one particular California branch.

7           And that's where we started with water  
8 coolers, bottled water. In one location, we were able  
9 to acquire an ice machine.

10          Q.       Did you make bottled water available to the  
11 employees in Columbus?

12          A.       Yes, we did.

13          Q.       Did you, as part of your -- your trip  
14 there, make water available specifically in the  
15 armored trucks in Igloo containers, or some other  
16 form?

17          A.       No, we did not.

18          Q.       Was water generally available at the  
19 facility in a way that you would expect OSHA to  
20 require, prior to your arrival?

21          A.       No, that building did not have any, any  
22 potable water. It did not have any water fountains.  
23 It did not have any -- any water dispensation  
24 fountains. It did not have clean drinking water,  
25 none, whatsoever.

1           Q.       Did you -- or, were you aware of an outside  
2   cleaning company coming in to assist with the cleanup  
3   at any point, either when you were there, or shortly  
4   after you departed Columbus?

5           A.       Yes, I was.

6           Q.       Okay.  At the conclusion of your -- your  
7   trip to Columbus, when you left, did you feel that you  
8   had mitigated the OSHA risks that you observed when  
9   you entered the facility?

10          A.       To a certain degree.  To a certain degree.

11                   JUDGE AMCHAN:  Do you want to take a  
12   minute off the record?

13                   MR. HULT:  Yes.  Sorry about that.

14                   JUDGE AMCHAN:  No problem.  Off the  
15   record.

16           (Off the record.)

17                   JUDGE AMCHAN:  Back on the record.

18                   (Whereupon, Respondent's Exhibit Number 4  
19   was marked for identification.)

20                   DIRECT EXAMINATION (CONT'D)

21   BY MR. HULT:

22           Q.       Webster, if you could take a look below the  
23   -- the material that had been blacked out and -- and  
24   tell me what, at least the -- this string of e-mails  
25   in the first and second page -- or, have you seen

1 these before?

2 A. Yes, I have.

3 Q. What are these?

4 A. These was more of a debrief to my boss of  
5 what I had found and somewhat addressed while on the  
6 ground.

7 In -- in one sentence I was -- I was  
8 basically communicating the hazards that were on the  
9 ground at the branch.

10 Q. Were these issues you resolved while you  
11 were at the facility?

12 A. Can I have a quick second, just to go  
13 through it?

14 Q. Absolutely.

15 (Pause.)

16 A. All except for the -- the second last item  
17 from the bottom of Page 1 referencing no case securing  
18 a compressor. The rest of the items I addressed while  
19 I was on the ground.

20 Q. Are you aware if the -- the cage securing  
21 compressor issue, has it been resolved?

22 A. I haven't gotten any confirmation. It's an  
23 issue I was pursuing with the Vehicle Services, simply  
24 due to the fact that there are facilities that could  
25 use that equipment.

1           It's an excessively large compressor, more  
2   than that -- what that facility needed. And my  
3   recommendation had been either they -- they reassign  
4   the equipment to a facility that needed it, or secure  
5   out -- either secure it internally, or remove it from  
6   -- from -- from the building.

7           Q.       Would you turn to the second page there in  
8   -- in your e-mail from Friday, August 10th, 2012, six  
9   thirty-seven p.m. to Ms. Bouquin? Do you see the  
10  e-mail I'm referencing?

11          A.       Yes, sir.

12          Q.       That e-mail, it says, "In the eyes of OSHA  
13  each of the pictures would represent a citable  
14  violation." Do you believe that to be true?

15          A.       Yes, I do.

16          Q.       What do you believe would have happened,  
17  had you not made any repairs on any of the issues  
18  you've discussed today during your trip, or at the  
19  conclusion of your trip to Columbus?

20          A.       Had there been an official complaint, or  
21  God forbid there was a condition in the facility that  
22  warranted an OSHA inspection, each one of these items  
23  would have resulted in a citation.

24                 Either it -- it -- it may have included a  
25  fine, which is not really relevant, but it -- it would

1 have resulted in some -- some -- some -- some form of  
2 citation from OSHA.

3 Q. Pages 3, 4, 5, 6, 7, 8, and 9, and 10,  
4 excuse me, there's 10 pages here, can you tell me what  
5 these -- these pages are?

6 A. I don't know what everybody's looking at.  
7 But --

8 MR. TANSINO: Well, I think my --

9 Q. I'm sorry, just as a group, what these are.  
10 I'm sorry.

11 A. Oh, just as a group?

12 Q. Yes.

13 A. These -- these were my observations on the  
14 ground that I felt needed attention. And the  
15 attention they required was very minimal.

16 Q. Did you take these pictures?

17 A. Yes, I -- I did.

18 Q. Could you just briefly describe what you  
19 see in these pictures?

20 A. Very poor, unacceptable housekeeping.

21 MR. TANSINO: I'm sorry, can I just  
22 interject. I -- I think I might have a different  
23 order. You made a reference to a second page e-mail  
24 dated August 10th and I -- it's in a different spot.

25 And is this the August 10th e-mail that

1 you're -- I don't have that. That's August 19th. And  
2 this was the second page that you were --

3 MR. HULT: Yes, I'm sorry.

4 MR. TANSINO: Oh, and I see down  
5 here. Okay. I'm sorry.

6 MR. HULT: Sorry. The lower portion  
7 of that.

8 MR. TANSINO: Okay. Right.

9 MR. HULT: Who was the branch manager  
10 of -- excuse me, I'm -- I'm going to move now for  
11 Respondent 4, I believe; right?

12 JUDGE AMCHAN: Do you have any voir  
13 dire questions or objections?

14 MR. TANSINO: Well, I -- I've got a  
15 two-page e-mail, and --

16 JUDGE AMCHAN: Eight photographs.

17 MR. HULT: Eight photographs.

18 MR. TANSINO: Eight photographs. I  
19 also -- I have some additional -- I don't know if you  
20 --

21 MR. HULT: That's coming later. I'm  
22 sorry. Sorry.

23 MR. TANSINO: Okay. Okay.

24 MR. HULT: You can paperclip that on  
25 --

1 MR. TANSINO: I see. All right. So  
2 this is -- this is R4.

3 MR. HULT: Right.

4 MR. TANSINO: No objection.

5 JUDGE AMCHAN: It's received.

6 (Whereupon, Respondent's Exhibit Number 4  
7 was received into evidence.)

8 JUDGE AMCHAN: Off the record.

9 (Off the record.)

10 JUDGE AMCHAN: Back on the record.

11 DIRECT EXAMINATION (CONT'D)

12 BY MR. HULT:

13 Q. Page 3 of -- of General Counsel Exhibit 6  
14 is what you have in front of you. Do you -- does this  
15 piece of paper look familiar to you?

16 A. Yes, it does.

17 Q. What is it?

18 A. It's -- it's -- it's a brief listing of  
19 some of the repair items that the Vehicle Services  
20 Department had addressed. These are some items that  
21 kept being repetitive on the daily driver reports.

22 Q. And these are descriptions of repairs that  
23 were made to these vehicles?

24 A. Yes, sir.

25 Q. What is that unit number in the far left

1 column? Is that a truck number?

2 A. Yes, it is. That's -- that's a truck  
3 number. Not registration, but fleet assigned number.

4 Q. Okay. And when -- it says installed  
5 interior fan on a number of these. What does that  
6 mean?

7 A. To me, this means they have either  
8 replaced, or properly installed a loose fan off the  
9 ceiling of the truck.

10 The way these trucks are designed, and --  
11 and there's a -- there's a variation of truck designs  
12 and models.

13 But the -- the -- the average armored truck  
14 has -- has the air conditioning unit as you would have  
15 in your car in the front dash.

16 And this auxiliary mechanical fans, I think  
17 you may have seen some in semi trucks, et cetera, but  
18 there will be one in the front just to circulate the  
19 air, and there will be one in the back just -- just to  
20 -- just to circulate and move air around. The windows  
21 don't come down. So, basically, that -- that's all  
22 they do.

23 Q. Was the installation of these fans part of  
24 the heat mitigation efforts?

25 A. Yes, it was.



1           Q.       During your time in Columbus -- well, let  
2 me ask you this first.

3                   In any of your visits to any other  
4 facilities since you became health and safety manager,  
5 have -- have you encountered situations, no matter how  
6 many or how severe, that you believe could be citable  
7 citations by OSHA, or that -- that OSHA would -- what  
8 you believe would be a violation of an OSHA standard?

9           A.       Yes, I have.

10          Q.       What, as a general practice, do you do then  
11 when you encounter those issues in other facilities?

12          A.       Dependent on the -- on the facility -- and  
13 -- and once again, some facilities are what you would  
14 consider remote. They -- they really don't have  
15 direct management oversight.

16                   So some issues may not be opening apparent  
17 to, let's say, a VP visiting a facility and, you know,  
18 he has the authority to address it right there and  
19 then.

20                   Then there are facilities where I'm aware  
21 of a situation, or I see a situation, it'll be -- and,  
22 once again, let me step back here.

23                   When I enter a facility, I'm going off a  
24 check-off list, okay, just a standard walk-through,  
25 you know, exit signs, fire extinguishers current, just

1 basic safety items.

2 And there will be instances where I'll see  
3 an item and a manager is aware of the issue, he's  
4 probably working on it.

5 There's maybe new extinguishers are coming  
6 through by the end of the week, or they will be  
7 serviced by the end of the week and it's -- it's  
8 verifiably legitimate. I don't worry about that.

9 But in some cases, if -- if I don't  
10 personally address it myself, there will be management  
11 housed in that facility that will address it and give  
12 me feedback.

13 Q. Is there any management outside of, or  
14 above the branch manager housed in the facility in  
15 Columbus?

16 A. Not currently, no.

17 Q. Was there in the summer of 2012?

18 A. No.

19 Q. So who was the highest ranking person that  
20 worked on a daily basis in the Columbus facility?

21 A. As far as I -- I'm aware of, it was  
22 manager.

23 Q. So correct me if I'm wrong, if I'm  
24 understanding your testimony, in some other facilities  
25 there are senior managers. How -- how would you

1 define the term "senior managers," as you defined it?

2 A. Currently, the management hierarchy in  
3 Garda Cash Logistics is -- there's obviously a  
4 management or supervisory tier under a branch  
5 supervisor. But in some facilities, we've got  
6 assistant branch managers.

7 Some medium to large size branches have an  
8 assistant branch manager, to branch manager, to senior  
9 -- it's senior manager or operations manager.

10 Then we have an associate director of  
11 operations, and a director of operations, a VP of  
12 operations, and executive vice president.

13 Q. So if something was -- was asked in the  
14 Columbus facility in the summer of 2012, was there  
15 anybody that worked there on a regular basis above  
16 Mr. Jacks that would have had the authority to order  
17 Mr. Jacks, or ask Mr. Jacks to correct it?

18 A. No.

19 Q. But there were higher ranking senior  
20 managers at some other facilities that would have had  
21 authority in -- in their respective locations.

22 A. Yes, there would be.

23 Q. During your time in Columbus, did you have  
24 any conversations with employees about unions, or  
25 unionization?

1           A.       No, I did not.

2           Q.       Does that have any relationship to your  
3 job?

4           A.       There's no bearing, whatsoever.

5           Q.       Do you take a different approach? Is your  
6 checklist different, or is your strategy when you walk  
7 into a facility different, depending on whether a  
8 facility is unionized, non-unionized, or a Petition  
9 has been filed and an election has not taken place?

10          A.       No. These -- no, the -- no, there isn't.  
11 And -- and -- and I -- I just have to point out.  
12 These are basic, what I would consider basic  
13 compliance, in some cases, heavily aligned to safety  
14 issues.

15                   When the EPA's involved, we see the  
16 problem, it needs to be addressed. Unfortunately, I  
17 have to take some form of action. If it's an OSHA  
18 issue, it has to be addressed.

19                   If -- if it's a DOT trucking issue, where  
20 -- and -- and I can say we'll pull trucks off the road  
21 because a truck has -- has got out of service issues,  
22 does that always happen? No, it doesn't always  
23 happen, due to operational constraints.

24                   And I'll be perjuring myself if I said if  
25 we see issues that require the shutting down of a

1 branch, we need to shut it down, no. There will be  
2 issues that will arise that need to be addressed.

3 They will be mitigated to a point where the  
4 operation is running safely. But does it happen all  
5 the time? No.

6 Q. Did you -- you spoke about the mitigation  
7 efforts and the cleanup efforts with respect to some  
8 of these documents we've addressed, as well, did you  
9 make any of these changes in an effort to convince  
10 employees to vote for or against the Union?

11 A. No, I did not.

12 Q. Did you tell any employees that you would  
13 make these changes if they voted against a union?

14 A. No, I did not.

15 Q. How often now are you in contact with  
16 Columbus, the Columbus facility?

17 A. From the first visit I had to Columbus, I  
18 had another visit maybe a week, maybe two weeks after  
19 that. Followed up on a couple items.

20 And since then, I would say I've been in  
21 touch with the branch, directly with the new manager,  
22 and his direct report on a couple occasions, in  
23 relation to a certain aspect of uniforms.

24 Prior to winter coming through, I had  
25 advised the manager to gradually, you know, start

1 getting in jackets for the employees.

2 And I -- I've just been constantly been  
3 giving him a hard time with following up if he had  
4 been doing that.

5 And as far as his senior management are  
6 concerned, there may have been a bill here, or a bill  
7 there that I may be trying to assist the manager  
8 pursue in his efforts to -- to -- to satisfy my  
9 demands, so --

10 MR. HULT: That's all I have.

11 MR. TANSINO: I -- I don't know.  
12 I've -- I've got some -- some documents, unmarked  
13 documents that you gave me.

14 MR. HULT: I probably gave you too  
15 many. Yes, I'm not going to --

16 MR. TANSINO: Those - those aren't  
17 introduced; right?

18 MR. HULT: Right, they're not going  
19 to be introduced, unless you want to introduce them.

20 CROSS-EXAMINATION

21 BY MR. TANSINO:

22 Q. Good afternoon, Mr. Lubemba. I'm Joe  
23 Tansino, and I'm counsel for Acting General Counsel  
24 for the National Labor Relations Board.

25 I'm just going to ask you some questions

1 about your testimony. If you don't understand a  
2 question that I ask, just ask me to rephrase it, I'll  
3 -- I'll -- I'll try again. Okay?

4 A. Will do.

5 Q. You may -- you may have said this on  
6 direct. Prior to becoming health and safety manager,  
7 what -- what was your job title?

8 A. I was -- I was a trainer and compliance  
9 officer.

10 Q. Okay.

11 A. Uh-huh.

12 Q. Now, part -- part of our job as health and  
13 safety manager is responding to letters from -- from  
14 OSHA addressing allegations or complaints; is that  
15 right?

16 A. Yes, it is.

17 Q. Okay. And there are occasions where you  
18 get a letter from OSHA and -- and you go to the site  
19 yourself to inspect it?

20 A. In -- in some cases, yes.

21 Q. And in other cases you may just talk to the  
22 -- the branch manager and -- and get their assessment?

23 A. Yes, I do.

24 Q. Okay. I asked you a couple questions about  
25 it already on voir dire, but the -- the letter that's

1 Respondent's 3, it's actually two letters, but the --  
2 the -- the second letter that's dated July 28th to  
3 Linda Harrington, that's the -- that's the type of  
4 letter that you now send yourself as health and safety  
5 manager?

6 A. Yes, sir.

7 Q. Okay. Now, again -- again, I think you  
8 were out of the room at the time, but I -- I am the  
9 low ranking person when it comes to OSHA understanding  
10 here, so I'm going to try my best, and I hope that you  
11 can help me out.

12 There's -- there's a -- a Federal OSHA,  
13 right, and that's part of the Department of Labor?

14 A. Yes.

15 Q. And then there's also State agencies that  
16 have the similar roles?

17 A. In some states. Some states will have  
18 State-run OSHA programs that, in most cases, supersede  
19 the Federal standards.

20 Q. So they're more stringent, so --

21 A. Yes.

22 JUDGE AMCHAN: Well, they -- I will  
23 -- there's a provision of the OSHA -- of the OSHA  
24 statute that allows states to operate their own  
25 programs, which, in most part, is in place of Federal



1 enforcement.

2 MR. TANSINO: Okay. So, for example,  
3 California has its own agency?

4 JUDGE AMCHAN: Correct. Indiana  
5 does, as well. Some states, Virginia, I know they  
6 have State enforcement.

7 But there's certain areas, like the  
8 maritime industry, which is done by the Federal  
9 program.

10 CROSS-EXAMINATION (CONT'D)

11 BY MR. TANSINO:

12 Q. Okay. And, California's one of the most  
13 stringent states, if not the most; is that -- is that  
14 right?

15 A. As -- as far as I'm aware, yes.

16 Q. Okay. And you had, I believe you stated on  
17 -- on direct that you had already implemented a lot of  
18 the strategies that you were employing under the pilot  
19 program at the branches in California.

20 A. In -- on some of them yes, in two  
21 instances.

22 Q. Okay. Since you've become health and  
23 safety manager, have you seen an OSHA complaints from  
24 the Columbus, related to the Columbus branch?

25 A. When you say related, and I'm sorry, if I

1 may ask.

2 Q. No. Well, let me -- I'll -- I'll just try  
3 again.

4 JUDGE AMCHAN: Are you talking about  
5 complaints from employees, or -- or a letter from OSHA  
6 saying --

7 MR. TANSINO: A letter, or letters  
8 similar to the one that's Respondent's 3.

9 JUDGE AMCHAN: From -- from OSHA or  
10 -- saying we've got a complaint, what are you going to  
11 do about it?

12 CROSS-EXAMINATION (CONT'D)

13 BY MR. TANSINO:

14 Q. Right. It's the -- they refer to alleged  
15 hazards. I don't know if that's the -- the -- kind of  
16 a term of art, or -- or if it is interchangeable,  
17 alleged hazards, complaints, charges.

18 But this -- this type of letter,  
19 Respondent's 3, have you seen anything like that since  
20 you became health and safety manager?

21 A. Specifically to Columbus, no, I have not.

22 Q. Okay. Prior to the summer of 2012, there  
23 -- there was someone from higher management at the  
24 Columbus Branch; correct?

25 A. I'm not too sure, but there's a

1 possibility.

2 Q. Okay.

3 A. Yeah.

4 Q. Well, Jack Deml was there, right, until  
5 March of 2012?

6 A. Let -- let me -- I -- I misunderstood the  
7 question. As in stationed there, or a member of  
8 management visiting the branch.

9 Q. Okay.

10 A. Prior to that, yes.

11 Q. Okay.

12 A. Uh-huh.

13 Q. And -- and Vince Modarelli visited in -- in  
14 2012, or earlier in the year, as well, isn't that  
15 right?

16 A. There's a possibility. I don't have  
17 specifics to it.

18 Q. The -- the problems that you saw at the  
19 Columbus Branch when you visited it in August, and you  
20 testified at great length, it was -- well, I -- I  
21 don't think that there's any dispute that the branch  
22 was in dire straits.

23 How -- how long did it appear to have been  
24 in that -- in that state, based on your observation?

25 A. Based on my observation, there are branches

1 that you visit within Garda which, right at the door,  
2 they'll give you the impression that it's a spotless  
3 branch. Is that the case? Probably not.

4 But due to the building being six months  
5 old, fresh out of construction, everything will seem  
6 in order.

7 In -- in reference to Columbus, I can only  
8 imagine how long it took to get to that state. I  
9 cannot -- I cannot even begin to assume a time line to  
10 --

11 Q. We're talking eight years.

12 A. Yes.

13 Q. Okay.

14 A. I -- I -- I -- I couldn't say how it got to  
15 that point, other than I hate to make assumptions, but  
16 I --

17 Q. Well, don't.

18 A. Yeah.

19 Q. That's okay.

20 A. Yeah. I -- I -- I -- I just --

21 Q. We don't want you --

22 A. -- I just can't.

23 Q. -- to assume anything.

24 A. Yes.

25 Q. You mentioned branches that you'd received

1 OSHA correspondence from, including Edison, Michigan,  
2 Georgia, Texas. Do you recall, specifically, Grand  
3 Rapids, Michigan?

4 A. Yes, the pier.

5 Q. And that was in the summer of 2012?

6 A. Yes.

7 Q. Okay. There was an actual work-related  
8 injury at that site; correct?

9 A. Yes, there was.

10 Q. Okay. Myrtle Beach, South Carolina, do you  
11 recall whether that had been any OSHA violations that  
12 had been reported?

13 A. Complaints, yes.

14 Q. In the summer of 2012?

15 A. Yes.

16 Q. Did you visit that site?

17 A. Myrtle Beach, yes.

18 Q. You did. Okay. I think you testified  
19 health and safety used to be, and I'm rephrasing, so  
20 please correct me if I'm mischaracterizing your  
21 testimony, but that health and safety was part of the  
22 -- it was under a larger umbrella of legal -- a larger  
23 Legal Department, including, you know, OSHA, DOT,  
24 various legal issues.

25 A. Is that a question or a confirmation?

1 Q. Yes, is it -- is that -- is that a fair --  
2 fair --

3 A. Health and safety as a department, no.  
4 Health and safety-related issues, yes.

5 Q. Okay.

6 A. Uh-huh.

7 Q. So you -- you described a transition that,  
8 at one point, it had been -- there was a -- there was  
9 a reorganization.

10 A. Yes.

11 Q. Okay. Well, prior to that reorganization,  
12 was there any coordination in health and safety and  
13 labor relations?

14 A. Not that I'm aware of, no.

15 Q. There wasn't any relationship there?

16 A. No. And if -- if there was, I wouldn't be  
17 aware of it.

18 Q. Okay. Following the reorganization, there  
19 was, though, some coordination between labor relations  
20 and -- and your department; is that correct?

21 A. And when you say labor relations, you're --  
22 you're referring to human resources.

23 Q. Well, I'm -- I'm referring to the -- the --  
24 the director of labor relations, and I -- and I don't  
25 know what her department is, but she's -- do you know

1 who the director of labor relations is?

2 A. I -- I believe it's Ms. -- Ms. Lunares.

3 Q. Yes. And have you met her?

4 A. Yes, I have.

5 Q. And when -- so when I talk about labor  
6 relations, I'm talking about union relations.

7 A. No.

8 Q. The handling of union activities.

9 A. No. My interaction with the term "labor  
10 relations," I think if I recall correctly, only came  
11 into being, I believe second quarter of 2011.

12 Q. Okay.

13 A. Yeah.

14 Q. Did you --

15 A. 2012, excuse me, which was last year.

16 Q. Okay.

17 A. Yeah.

18 Q. Did -- did you communicate with Ms. Lunares  
19 about your Columbus trip?

20 A. No, I -- no, I did not.

21 Q. Well, what -- General Counsel's Exhibit 6,  
22 which you testified to, you actually testified to Page  
23 3, which is the attachment, trip to Columbus, Ohio  
24 Branch, August 15, 2012.

25 MR. HULT: He doesn't have the full

1 exhibit in front of him.

2 (Witness was provided with the document.)

3 MR. TANSINO: Oh, I'm sorry. Thank  
4 you.

5 THE WITNESS: Oh, okay. I stand  
6 corrected.

7 CROSS-EXAMINATION (CONT'D)

8 BY MR. TANSINO:

9 Q. So you -- following your -- your visit and  
10 -- and the date of that visit I'm -- I'm going to --  
11 well, I'll ask, is -- is that August 15th, the -- the  
12 date that's reflected on the attachment? Is that --  
13 is that correct?

14 A. August 15th.

15 Q. That's the -- the last page of the  
16 attachment that has your --

17 A. Yes.

18 Q. Okay.

19 JUDGE AMCHAN: Well, wait a second.  
20 Was that when you were in Columbus on -- it says Mike  
21 made a trip to Columbus on August 15th, not -- not --

22 MR. HULT: Yes. He was on -- in  
23 Columbus on the 7th and 8th.

24 CROSS-EXAMINATION (CONT'D)

25 BY MR. TANSINO:



1 Q. Okay. So let me ask you -- let me just ask  
2 you. Were you -- do you recall being in Columbus on  
3 August 15th?

4 A. I'm not certain of the -- the exact date.  
5 But after my first visit the second week --

6 Q. Yes.

7 A. -- that 7th week (sic) of August, I did go  
8 back to Columbus. I just don't recall the exact date.

9 Q. Okay.

10 A. Uh-huh.

11 Q. Well, if you look at the date of that  
12 e-mail, that's August 21st. And it looks like you're  
13 reporting on events that took place through the course  
14 of yesterevening --

15 A. Uh-huh.

16 Q. -- and this morning. So does that help you  
17 remember when that -- that second trip was?

18 A. Yes, it does.

19 Q. Okay. And you talked -- you asked  
20 employees about, you know, about if they had an  
21 interest in -- in -- in shorts?

22 A. No. This -- this e-mail is in reference  
23 to, at some point there had been some talk of shorts  
24 being made available to the employees.

25 And on my follow-up visit, when I did go

1 back to Columbus, there were issues that would not  
2 allow us to allow employees to wear shorts as a  
3 company.

4 Q. Okay. So you went back to Columbus to  
5 explain face-to-face to employees why they weren't  
6 going to be getting shorts.

7 A. Yes, I did.

8 Q. Okay. Because you didn't want the  
9 employees to have any resentment.

10 A. I don't think I would look at it that way.  
11 I think it would be more of making them -- getting  
12 their opinions on something in relation to  
13 expectation.

14 Q. Okay. Isn't it true that Ms. Lunares told  
15 you and Mr. Bouquin that she was concerned about  
16 unfulfilled promises made to the employees?

17 A. That statement and term, no.

18 Q. Well, okay. But you reported to  
19 Ms. Lunares after this visit.

20 A. Yes, I did.

21 Q. Okay. With the results of -- of your  
22 polling of employees; correct?

23 A. Yes.

24 MR. TANSINO: Can I just have one  
25 minute, please?

1 JUDGE AMCHAN: Yes.

2 (Off the record.)

3 JUDGE AMCHAN: On the record.

4 MR. TANSINO: What's the highest  
5 number that I've got?

6 JUDGE AMCHAN: 19, I think, was the  
7 highest number --

8 MR. TANSINO: That's what --

9 JUDGE AMCHAN: -- that's in the  
10 record.

11 MR. TANSINO: -- that's what I  
12 recall. Yes, 19. So this will be -- this will be 20.

13 (Whereupon, General's Exhibit Number 20  
14 was marked for identification.)

15 CROSS-EXAMINATION (CONT'D)

16 BY MR. TANSINO:

17 Q. I'm showing the witness what's been marked  
18 exhibit -- General Counsel's Exhibit 20. It should be  
19 six pages. Do you recognize this -- this e-mail  
20 thread?

21 A. Yes, I do.

22 Q. With the -- the exception of the -- the  
23 last page, I think there are -- no, let's just pull  
24 that -- that last page. I don't think that -- so  
25 General Counsel's 20 is a five-page e-mail, an e-mail

1 thread.

2 And do you -- do you recall seeing this?

3 A. Yes, I do.

4 Q. And this was regarding the shorts program  
5 that you -- we were just talking about; right?

6 A. Yes.

7 Q. And shorts that had been promised to  
8 employees were going to have to be sent back; right?

9 A. From what I learned, yes.

10 Q. Okay. Someone in -- in management made the  
11 decision to -- to pull -- pull the shorts from the --  
12 the pilot program?

13 A. I don't know the exact specifics as to why  
14 that may have been pulled, but there -- there must  
15 have been some reason or reasons.

16 Q. Okay. Well, if you'd just -- could you go  
17 to the last page, and I'll work my way forward. It's  
18 page -- it should be page numbered 5.

19 A. Okay.

20 Q. Now, you're not -- you're not copied in on  
21 -- on these e-mails on these -- these pages. But  
22 you've seen them before; right? These were forwards  
23 that were sent to you --

24 A. Yes.

25 Q. -- on August 14th, and that's on Page 14

1   there.   And does that help you recall whether  
2   Ms. Lunares told you about unfulfilled promises made  
3   to employees?

4           A.       It's kind of difficult for me to say she  
5   used that term, but --

6           Q.       Well, it's right there.   It's on Page 4,  
7   right -- right in the e-mail.

8                   JUDGE AMCHAN:   Well, I mean, I don't  
9   know why you have to ask him about it if you're going  
10  to admit the exhibit.

11                  MR. TANSINO:   Okay.   You're right.  
12  And you -- and -- and --

13                  THE WITNESS:   And -- and please do  
14  bear with me when you say she told you.   I mean, in my  
15  mind, I just assume you're referring to conversations.

16                  MR. TANSINO:   That's -- that's fine.  
17  I don't know if anyone else has noticed this, but  
18  there -- there appears to -- this e-mail chain looks  
19  to me -- this was provided pursuant to a subpoena  
20  request.

21                  So, it looks like there was -- there were  
22  two threads that were combined, so there's some --  
23  some of these messages are duplicate.   But I think  
24  there's actually two threads in -- in one 5-page  
25  exhibit.   I -- I move for its admission.

1 MR. HULT: No objection.

2 JUDGE AMCHAN: It's received.

3 (Whereupon, General Counsel's Exhibit Number 20  
4 was received into evidence.)

5 MR. TANSINO: And -- and 19's in?

6 JUDGE AMCHAN: That was 20.

7 MR. TANSINO: And the -- the -- I'm  
8 just asking, for -- for the record, if that one was  
9 received.

10 While we're on the subject of exhibits, I  
11 am not going to offer 7, 8, 9, 10, 11, 12. I believe  
12 13 is in.

13 JUDGE AMCHAN: Correct.

14 MR. TANSINO: I'll not offer 14, 15,  
15 or 16. Or 17 or 18, for that matter. I think that --  
16 that covers us, then.

17 JUDGE AMCHAN: Right.

18 MR. TANSINO: Just a couple more  
19 questions.

20 JUDGE AMCHAN: Just -- she's --  
21 Ms. Bouquin left. I assume that's okay?

22 MR. TANSINO: I'd -- I'd assumed  
23 she'd been excused already, but I wasn't --

24 JUDGE AMCHAN: Yes. I didn't know  
25 whether you had her under subpoena.

1 MR. TANSINO: No.

2 JUDGE AMCHAN: Okay. I just waved  
3 goodbye.

4 MR. HULT: She's still here, too,  
5 she's just taking a call, she's not wandering.

6 JUDGE AMCHAN: Okay.

7 MR. HULT: But we're not bringing her  
8 back up or anything, so --

9 JUDGE AMCHAN: Okay. I -- I was just  
10 wondering if they had a subpoena and might want to  
11 call her later --

12 MR. HULT: No, huh-uh.

13 JUDGE AMCHAN: -- and then I bid her  
14 farewell and the record's incomplete because I screwed  
15 up.

16 CROSS-EXAMINATION (CONT'D)

17 BY MR. TANSINO:

18 Q. Is there any OSHA Regulation employers to  
19 provide their employees with water?

20 A. Without me quoting a specific regulation,  
21 we are required to provide potable --

22 Q. Okay.

23 A. -- clean water.

24 Q. Yes. Tap water is considered potable?

25 A. Depending on where it's being dispensed

1 from.

2 Q. Okay. Required to provide that water free  
3 of charge?

4 A. Certainly, yes.

5 Q. So, at the other branches that are part of  
6 this pilot program, are there any other branches, to  
7 your knowledge, where the -- the Respondent's brought  
8 in -- where Garda management has brought in a  
9 refrigerator and stocked it full of water?

10 A. When you say brought in, are you referring  
11 to equipment that --

12 Q. Purchased a new refrigerator and stocked it  
13 full of water.

14 A. Specifically in that order?

15 Q. Well, no. I mean, they could -- they could  
16 stock it full of water and then -- and then bring it  
17 in. But, you know --

18 A. We -- we do have several branches where --  
19 and -- and there's several approaches to this. And  
20 some branches will order water through Staples, stock  
21 their refrigerators.

22 Some branches have the convenience of  
23 vending machines. Some branches will have water  
24 fountain in-built into -- in -- into the  
25 infrastructure.



1           Some facilities we've got leasing companies  
2   providing filtration systems. And some branches we've  
3   got the standard Crystal 20-gallon water dispensers.

4           So different operations, different --  
5   different options.

6           Q.     Okay.

7           A.     But to answer your question of a manager  
8   bringing in a refrigerator and stocking it, those  
9   direct circumstances, no.

10          Q.     Edison, the Edison Branch had a lot of  
11   heat-related issues this past summer; right?

12          A.     Yes, they did.

13          Q.     And management there put its foot down and  
14   -- and stated that it was not going to be purchasing  
15   any water, any more water for the facility.

16          A.     Yes, they did. I do recall that.

17          Q.     Okay. Did they get a refrigerator stocked  
18   full of water?

19          A.     We subsequently had them get water for --

20          Q.     Okay.

21          A.     -- their employees. It wasn't -- it wasn't  
22   negotiable.

23          Q.     Okay. Are you aware of whether there was a  
24   union organizing campaign in Edison?

25          A.     I've heard of it, but specificity, no.

1 MR. TANSINO: Okay. Just one -- one  
2 moment.

3 JUDGE AMCHAN: Go off the record.

4 (Off the record.)

5 JUDGE AMCHAN: On the record.

6 CROSS-EXAMINATION (CONT'D)

7 BY MR. TANSINO:

8 Q. Did you visit the Columbus Branch at any  
9 time in 2011?

10 A. No, I did not.

11 MR. TANSINO: Nothing further.

12 JUDGE AMCHAN: Do you have anything?

13 MR. DEML: Yes, sir, I do.

14 MR. HULT: I'm going to restate the  
15 objection on the record.

16 JUDGE AMCHAN: Sure.

17 MR. HULT: I'm going to -- I spoke an  
18 objection to questions asked by Mr. Deml, due to his  
19 former position at Garda.

20 JUDGE AMCHAN: Okay.

21 MR. DEML: Well, Mr. Lubemba and I  
22 have known each other for years, so --

23 CROSS-EXAMINATION

24 BY MR. DEML:

25 Q. First question, Webster, did you receive a

1 -- an OSHA, or a Workers' Comp complaint, or a claim  
2 from Columbus in 2012 (sic)?

3 A. Not that I'm aware of, no.

4 Q. Okay. Do you recall the complaint in Grand  
5 Rapids from 2012 with the employee that was  
6 hospitalized?

7 A. The -- the employee that was hospitalized,  
8 I do not believe there was an official OSHA complaint  
9 in relation to that.

10 Q. Okay. Or, correction. It was 2011, was it  
11 not, in --

12 A. That --

13 Q. -- in one of the exhibits? Mark Livingston  
14 letter.

15 A. Yeah, that's 2011.

16 Q. Okay. Did you visit Grand Rapids after  
17 learning that employee was hospitalized?

18 A. No, I have never been to Grand Rapids.

19 Q. Okay. So an employee is hospitalized with  
20 heat issues --

21 A. Uh-huh.

22 Q. -- doesn't warrant a visit, but employee  
23 complaints about heat stress issues does warrant a  
24 visit from -- from yourself, Ms. Bouquin, and her  
25 assistant?

1           A.       As a direct yes and no answer, no, it does  
2 not.

3           Q.       Okay. Are you aware of when the Company's  
4 heat illness abatement policy was published?

5           A.       The heat illness program, itself?

6           Q.       Yes.

7           A.       No, I am not -- I'd like to believe it may  
8 possibly precede me. But on a specific date, no, I'm  
9 not.

10          Q.       Okay. What -- do you recall when you  
11 became aware of that written policy?

12          A.       No, not exact date or time line, no, I'm  
13 not.

14          Q.       Okay. Referring back to the  
15 hospitalization from -- from Grand Rapids, and Ms.  
16 Bouquin's spreadsheet, are you familiar with this  
17 document?

18          A.       No, I'm not.

19                   MR. DEML: Can we give him a copy of  
20 this, or can I give this to him?

21                   MR. TANSINO: You can show it to him  
22 --

23                   MR. DEML: Okay.

24                   MR. TANSINO: -- if he can identify  
25 it. But it's already in the record, so he's not going

1 to be able to testify --

2 MR. DEML: It's R2.

3 JUDGE AMCHAN: Correct.

4 CROSS-EXAMINATION (CONT'D)

5 BY MR. DEML:

6 Q. Ms. Bouquin gave us that -- that document,  
7 or that is a document Ms. Bouquin produced. There's  
8 roughly 25 branches on there.

9 Three, I believe, of those branches were on  
10 the pilot program for the heat -- heat issue. Grand  
11 Rapids is on that list.

12 But as I look across that, even though  
13 there was an employee hospitalized, the Company didn't  
14 deliver the training program.

15 MR. HULT: I'm going to object to  
16 this witness testifying about this document that he  
17 says he's not familiar with.

18 JUDGE AMCHAN: Well --

19 MR. HULT: He's asking him about a  
20 specific --

21 JUDGE AMCHAN: Well, right. If you  
22 --

23 MR. HULT: -- blank being filled in,  
24 as --

25 JUDGE AMCHAN: Right. I mean, the

1 document shows what it shows.

2 CROSS-EXAMINATION (CONT'D)

3 BY MR. DEML:

4 Q. Do you, Mr. Lubemba, coordinate with the  
5 training department to insure that -- that training to  
6 reduce risk of injury is conducted where -- where it's  
7 necessary?

8 A. On occasion.

9 Q. Okay. Thank you. During your -- your  
10 initial to the Columbus facility, did you speak with  
11 branch manager Scott Jacks about the status of the  
12 trucks and the condition of the facility as you found  
13 it?

14 A. No, I did not.

15 Q. Okay. Do you recall visiting the Columbus  
16 facility in 2011 for a DOT audit?

17 A. No, I did not.

18 Q. Do you recall ever visiting the Columbus  
19 facility before your visit in August of this year, or  
20 August of 2012?

21 A. No, I do not.

22 Q. Okay. Were you familiar with the pilot  
23 program in the seven branches that were identified as  
24 -- as being part of the pilot program for the heat  
25 abatement?

1           A.       It -- at -- at the inception as ideas were  
2 being gathered and put together, yes.

3           Q.       Okay. Do you -- do you agree that there  
4 were seven branches on that list?

5           A.       There may have possibly been more and it  
6 may have been reduced to the seven.

7           Q.       Okay. Do you know how those branches were  
8 selected?

9           A.       Mainly -- and -- and this is a -- a -- a  
10 pooling of -- of resources. I believe that the -- the  
11 -- the core indicators, as far as I recall, were  
12 historical OSHA activity in relation to heat illness.

13                   AC, VACO AC related complaints on the basis  
14 of DVIR's. Those are the two main things I recall.

15          Q.       Okay. Do you recall whether Grand Rapids,  
16 Michigan was on that list?

17          A.       No, I do not recall.

18          Q.       And when did you become aware of union  
19 activity in Columbus?

20          A.       When I got to the branch -- and -- and  
21 without specificity, once again, it may have been  
22 mentioned somewhere, but not really catching my  
23 interest.

24                   But when I did get to the branch, in  
25 talking to Scott Jacks, then I started to learn of the

1 -- the Union activity detail.

2 Q. Okay. And you say it may have been  
3 mentioned somewhere but it didn't catch your  
4 attention.

5 A. Yeah.

6 Q. Prior to your visit to Columbus?

7 A. There is, and -- and I don't want to say I  
8 didn't know of it. Because there are times you may be  
9 in a pool of other employees and there's conversation  
10 about something, but it really doesn't apply to my  
11 daily course of work, or my responsibilities.

12 But if somebody discussed it or talked  
13 about it in my presence, there's a possibility, but I  
14 can't recall that.

15 Q. Okay. All right. You -- you spoke pretty  
16 extensively about the -- the eyewash unit that -- in  
17 Columbus that was in such deplorable condition.

18 A. Uh-huh.

19 Q. Did you, at the time that you corrected  
20 that, did you discuss with Christine, or anybody else  
21 in Garda, or did you attempt to purchase other PPE,  
22 personal protective equipment, such as impermeable  
23 gloves, aprons, face shields to -- to mitigate the  
24 hazards of that -- the chemicals and battery acids  
25 that were in Columbus?



1           A.       Not at that point. Not -- not directly at  
2 that point, no.

3           Q.       Okay. Do you recall having discussed that  
4 before?

5           A.       In other branches, yes, but not -- not --  
6 not Columbus, I did not.

7           Q.       All right. Earlier you -- you mentioned --  
8 you testified that you would assist Mr. Jacks in a  
9 bill here, a bill there as regarded your demands for  
10 compliance. Can you --

11          A.       Not -- not --

12          Q.       -- elaborate on that a little bit?

13          A.       Not Mr. Jacks, Terry Hupp, the new manager.  
14 I would reach out to Chuck Havens, his senior man, I  
15 think he's his director, or senior manager, in  
16 relation to bills relating to the cleanup efforts  
17 because --

18          Q.       And was -- these are unpaid bills, accounts  
19 -- accounts payable?

20          A.       After -- after the fact. Because when I  
21 was at the branch, there are certain costs we will  
22 have incurred at my direction.

23                    So, normally, in pursuing those payments,  
24 the branch manager will be the one dealing with the  
25 vendors.

1 Q. Okay. But this was with Mr. Hupp?

2 A. With --

3 Q. Okay.

4 A. -- with Terry, yes.

5 Q. Okay. I think that post-dates our issues  
6 today, so I don't to delve into that much.

7 A. Okay.

8 MR. DEML: I have no further  
9 questions, Judge. Thanks.

10 JUDGE AMCHAN: Do you have anything  
11 else?

12 MR. HULT: Just a couple redirect.

13 REDIRECT EXAMINATION

14 BY MR. HULT:

15 Q. Discussing this e-mail chain, General  
16 Counsel Exhibit 20, and the shorts issue, did  
17 employees in Columbus ever get shorts as part of their  
18 uniform?

19 A. No, they did not.

20 Q. You also spoke briefly about the time line,  
21 potential time line of when things in Columbus started  
22 to deteriorate.

23 Outside of the truck AC issues, before you  
24 set foot in the Columbus facility, did you have  
25 knowledge of any other potential OSHA citations,

1    infractions, or what you considered health and safety  
2    issues at the Columbus facility?

3           A.       In reviewing historical documentation at my  
4    disposal, I believe there may have been, once again,  
5    exact dates I cannot make reference to, but I believe  
6    there may have been an OSHA issue, I believe, in 2010,  
7    or thereabout, with regards to forklift training.

8                   JUDGE AMCHAN:   But I thought your  
9    question was did you -- did you know about it before  
10   you set foot in the -- did you know about that before  
11   you set foot in the --

12                   THE WITNESS:   In the branch.

13                   JUDGE AMCHAN:   -- Columbus facility  
14   on August the 7th?

15                   THE WITNESS:   No, I did not.

16                   MR. HULT:    That's it.

17                   JUDGE AMCHAN:   Do you have anything  
18   else?

19                   MR. TANSINO:   No more questions.

20                   JUDGE AMCHAN:   You can step down.

21   Thank you.

22                   THE WITNESS:   Thank you, sir.

23                               (WITNESS EXCUSED.)

24                   JUDGE AMCHAN:   So, do you have any  
25   more witnesses?

1 MR. HULT: No.

2 JUDGE AMCHAN: Do you have any  
3 rebuttal?

4 MR. TANSINO: Can I have a moment?

5 JUDGE AMCHAN: Sure. Go off the  
6 record.

7 (Off the record.)

8 JUDGE AMCHAN: On the record. Mr.  
9 Deml, if you'd raise your right hand.  
10 WHEREUPON,

11 JACK DEML,

12 A witness herein, having been first duly cautioned and  
13 sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. TANSINO:

16 Q. Will you spell your -- your last name for  
17 the record, please.

18 A. (D-E-M-L).

19 Q. And what's your -- what's your current  
20 position?

21 A. Current position is assistant to the  
22 president for the United Federal of Special Police and  
23 Security Officers.

24 Q. And prior to that, where did you work?

25 A. I worked with Garda Cash Logistics and its

1 predecessor AT Systems for approximately 11 years, so  
2 terminating in March, early March of 2012.

3 Q. Okay. How did it -- how was it terminated?

4 A. Actually, I resigned twice. The second one  
5 stuck.

6 Q. What was your last held position with  
7 Garda?

8 A. National employee relations director.

9 Q. And where -- where were -- where was your  
10 office?

11 A. My office, nominally, was -- was in the  
12 Columbus, Ohio Garda Branch.

13 Q. Okay. So you had occasion to observe the  
14 conditions of -- of the branch.

15 A. Occasions.

16 Q. Okay. And how long were you at that  
17 branch?

18 A. Physically working out -- out of that  
19 branch, 2001 to -- early 2001 to 2004. And then again  
20 from 2008 to 2011 -- correction, 2009 to 2012.

21 Q. Okay. During that latter time, 2009 to  
22 2012, was your -- were your observations of the branch  
23 consistent with the testimony so far?

24 A. Yes.

25 Q. During your time at the branch, did you

1 observe any members of outside management at the  
2 branch, did you have any visitors?

3 A. Yes.

4 Q. Okay. Who?

5 A. There were senior operation staff there.  
6 My boss came to visit at least once. Senior sales  
7 staff came through occasionally.

8 However, the -- the -- the building was  
9 bifurcated, if you will, in that the operations was on  
10 one side of the building, and there were office --  
11 offices and conference room in a second part of the  
12 building with a security access door in between.

13 Q. Did you get out into the garage ever?

14 A. Extremely rarely.

15 Q. Okay. And, but you observed it as being  
16 dirty?

17 A. Dirty would be a generous description, yes.

18 Q. Who was your -- who did you report to?

19 A. I reported to Linda Slattery, who is the  
20 vice president of employee relations.

21 Q. And did you ever report to Linda about the  
22 conditions of the facility?

23 A. Yes, the Columbus facility, and many  
24 others.

25 Q. Okay. And what -- what did you tell her,

1 specifically, about the --

2 A. I would report the -- the obvious OSHA  
3 violations that -- that I could see, the -- the DOT  
4 truck deficiencies that were -- were visible,  
5 apparent.

6 Acclimate issues, complaints from  
7 employees, complaints from -- from management about  
8 the facilities and their inability to -- to correct  
9 them.

10 Q. How often would -- would you report these  
11 issues?

12 A. Regularly, frequently. We -- we rarely  
13 spoke by phone. It -- it was at least monthly. It  
14 didn't rise to a level of whining, but I think it  
15 could have got close a couple of times.

16 Q. And -- and just so the record's clear, this  
17 is for the period between 2009 and -- and 2012.

18 A. Correct.

19 Q. Okay. So for three years you were raising  
20 these issues.

21 A. Yes, regularly.

22 MR. TANSINO: Nothing further.

23 CROSS-EXAMINATION

24 BY MR. HULT:

25 Q. A few questions here, Mr. Deml. You

1 referred to your complaints -- I'm sorry, what -- it's  
2 Linda Slattery?

3 A. Yes.

4 Q. So Ms. Slattery. You said that you  
5 complained about OSHA violations and other matters.  
6 Did you believe what you saw in the garage area, and I  
7 guess, is that -- is that the operations area what  
8 we'll call it --

9 A. Yes.

10 Q. -- to -- to the best of your knowledge and  
11 your position at that time, were citable violations or  
12 potential violations of OSHA?

13 A. Yes.

14 Q. That needed repaired?

15 A. Yes.

16 Q. What was Linda Slattery's position again?

17 A. She was vice president of employee  
18 relations, and remains so, as far as I know.

19 Q. Who's her boss?

20 A. Her boss, presently, is Lori Brown.

21 Q. But Ms. Brown wasn't employed by Garda back  
22 in 2009, 2010.

23 A. She was not.

24 Q. You said you complained to Linda, or  
25 reported to Linda these issues frequently. Can you



1 better describe that term for me, "frequently"?

2 A. That term -- oh, frequently. Periodically  
3 when -- when we spoke by phone and my raising this  
4 issue was -- was never -- correction, was rarely  
5 referring just to Columbus, because these are the  
6 conditions that I saw in many, many of the Garda  
7 Branches that -- that I visited.

8 Q. So you felt that this was a -- a widespread  
9 problem?

10 A. I feel that -- that the Company is fully  
11 aware of it, and it -- it was intentional.

12 Q. What do you mean intentional?

13 A. That they were fully aware of the -- the  
14 DOT and OSHA violations and -- and the condition of  
15 the facilities and made a conscious decision not to --  
16 not to correct them.

17 Q. Who is Ms. Lattery's boss before Lori  
18 Brown, if you remember?

19 A. It varied. Over the past, what, the -- the  
20 year before Lori Brown came to work it was Hugues  
21 Trottier. The name is spelled "Hughes," who is the  
22 financial guy.

23 Q. Is he still at the Company?

24 A. I don't know.

25 Q. What did Ms. Slattery tell you when you

1 informed her of these issues?

2 A. She told me that those were operations  
3 concerns, and not my affair.

4 Q. And what was her title, one more time?

5 A. Vice president of employee relations.

6 Q. Was there a separate position for vice  
7 president of operations, or president of operations?

8 A. There were vice presidents of operations in  
9 the -- the three to four regions that the Company had  
10 prior to -- to my departure.

11 MR. HULT: Nothing further.

12 JUDGE AMCHAN: Anything else?

13 MR. TANSINO: No.

14 JUDGE AMCHAN: You can step down.

15 THE WITNESS: Thank you.

16 (WITNESS EXCUSED.)

17 JUDGE AMCHAN: Is that it?

18 MR. TANSINO: I think -- I think we  
19 made it, yes.

20 JUDGE AMCHAN: All right. I guess we  
21 should talk about the brief schedule. It seems to me  
22 about -- about a month or so is enough.

23 So how about, today's the 29th, how about  
24 March 1st due date for briefs?

25 MR. TANSINO: That's fine.

1 JUDGE AMCHAN: Okay.

2 MR. HULT: Love those Friday due  
3 dates.

4 JUDGE AMCHAN: Do you prefer a  
5 Monday?

6 MR. HULT: No, I'm serious. I prefer  
7 them. You feel like your -- the -- Monday's terrible,  
8 then your Saturday and Sunday you're thinking about  
9 it.

10 JUDGE AMCHAN: All right.

11 MR. TANSINO: That's your weekend.

12 MR. HULT: That was not a -- a  
13 comment made in gest. That was --

14 JUDGE AMCHAN: Okay.

15 MR. HULT: -- that was a very serious  
16 --

17 JUDGE AMCHAN: All right. I'm --

18 MR. HULT: If you turn it in at three  
19 o'clock on Friday, you're done. You're not thinking  
20 about anything else. The weekend's clear.

21 JUDGE AMCHAN: Right. Okay. So  
22 briefs are due March 1st.

23 MR. HULT: No sarcasm intended there.

24 JUDGE AMCHAN: We're done. All  
25 right. You can go off the record.

1 (Whereupon, the hearing was closed at 2:35 p.m.)

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## 1 C E R T I F I C A T E

2 This is to certify that the attached  
3 proceedings before The National Labor Relations  
4 Board, were held according to the record and that  
5 this is the original, complete, true and accurate  
6 transcript which has been compared to the reporting  
7 and recording accomplished at the hearing and that all  
8 the exhibits have been checked for completeness and no  
9 exhibits received in evidence or in the rejected  
10 exhibits files are missing.

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14 DEBBIE GEARY - OFFICIAL COURT REPORTER

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